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Parliamentary History.

VOL. XXXI.

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"HANSARD'S PARLIAMENTARY DEBATES."

VOL. XXXI.

COMPRISING THE PERIOD

FROM THE FOURTEENTH OF MARCH

1794,

TO THE TWENTY-SECOND OF MAY

1795.

LONDON:

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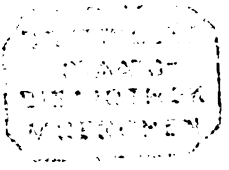

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1783.	Archbishop of Canterbury.....	John Moore.
1776.	- - - - - - - - York	William Markham.

BISHOPS.

1789.	Bishop of St. Asaph	Samuel Halifax.
1783.	- - - - - Bangor.....	John Warren.
1774.	- - - - - Bath and Wells	Charles Moss.
1792.	- - - - - Bristol	Spencer Madan.
1794.	- - - - - - - - - - -	Henry Reginald Courtenay.
1754.	- - - - - Chichester	Sir William Ashburnham, bart.
1781.	- - - - - Coventry and Litchfield	Hon. James Cornwallis.
1788.	- - - - - St. David's	Samuel Horsley.
1793.	- - - - - - - - - - -	Hon. William Stuart.
1781.	- - - - - Ely	Hon. James Yorke.
1792.	- - - - - Exeter.....	William Buller.
1789.	- - - - - Gloucester	Richard Beadon.
1788.	- - - - - Hereford	John Butler.
1782.	- - - - - Landaff	Richard Watson.
1787.	- - - - - Lincoln	George Prettyman Tomline.
1787.	- - - - - London	Beilby Porteus.
1792.	- - - - - Norwich	Charles Manners Sutton.

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Bishops continued.]

1788. Bishop of Oxford..... Edward Smallwell.
1769. - - - - - Peterborough ..... John Hinchcliffe.
1794. - - - - - - - - - - - ..... Spencer Madan.
1774. - - - - - Rochester ..... John Thomas.
1793. - - - - - - - - - - - ..... Samuel Horsley.
1791. - - - - - Salisbury..... John Douglas.
1781. - - - - - Winchester..... Brownlow North.
1781. - - - - - Worcester ..... Richard Hurd.
1791. - - - - - Carlisle ..... Hon. Edward Vernon.
1787. - - - - - Chester ..... William Cleaver.
1791 - - - - - Durham .... Hon. Shute Barrington.

LORD HIGH CHANCELLOR.

1793. Jan. 28. Alexander Lord Loughborough. In 1801 created Earl of Rosslyn.

LORDS PRESIDENT OF THE COUNCIL

1784. Dec. 1. Earl Camden.
1794. July 11. Earl Fitzwilliam.
Dec. 17. Earl of Mansfield.

LORDS PRIVY SEAL.

1784. Nov. 27. Earl Gower.
1794. July 19. Earl Spencer.
Dec. 17. Earl of Chatham.

PRINCIPAL SECRETARIES OF STATE.

Home Department.

1791. June. The Right Hon. Henry Dundas.
1794. July 11. Duke of Portland.

Foreign Department.

1791. May. Lord Grenville.

SPEAKER OF THE HOUSE OF COMMONS.

1789. May 8. The Right Hon. Henry Addington.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF GREAT BRITAIN.

1793. June 20. Right Hon. William Pitt; and Chancellor of the Exchequer.
Richard, Earl of Mornington.
J. Jeffreys, viscount Bayham.
Richard Hopkins, esq.
Hon. John Thomas Townshend.

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1794.	May	Right Hon. William Pitt; and Chancellor of the Exchequer. Richard, Earl of Mornington. Richard Hopkins, esq. Hon. John Thomas Townshend. John Smith, esq.

MASTER OF THE ROLLS.

1788.	June 7.	Sir Richard Pepper Arden, afterwards Lord Alvanley.

ATTORNEY GENERAL.

1793.	Feb. 13.	Sir John Scott, knt., afterwards Lord Eldon.

SOLICITOR GENERAL.

1793.	Feb. 13.	Sir John Mitford, knt., afterwards Lord Redesdale.

LORD ADVOCATE OF SCOTLAND.

1791.		Charles Hope, esq.

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1794.		Right Hon. William Windham.

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Yorke, Charles, 19, 527, 1229, 1495.
Young, Sir William, 255, 388, 529, 1228, 1343.

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34 GEORGE THE THIRD, A. D. 1794.

FOURTH SESSION OF THE SEVENTEENTH PARLIAMENT OF GREAT BRITAIN.

[*Continued from Vol. XXX.*]

DEBATE on Mr. Grey's Motion respecting the Disembarkation of Hessian Troops.] March 14, 1794. Mr. *Grey* called the attention of the House to the question of the prerogative of the crown to land Foreign Troops in this country without the consent of parliament. If, on a former day, when he had the honour of moving a resolution relative to the introduction of foreign troops, it was a reproach to him that he did not afford any new light on the subject, his detaining the House for a long time on what he had now to urge, would be still a greater reproach to him because he confessed he had nothing now to advance that was more applicable to the question which he intended to submit to the House than what he had the honour of submitting when he moved that resolution. The point which he had in view on the former occasion, appeared to him so clearly founded on constitutional principles, and so well provided for by the law of this country, that he did not see how it could be opposed on its own grounds; indeed, it was never so opposed, for with a very few exceptions, the point had been admitted. Only four members had denied his proposition, that the king has no right, either in time of peace or in time of war, to land foreign troops in this country without the consent of parliament. One gentleman had, indeed, gone so far as to maintain that the king had a right, at his own will and discretion, independent of the consent of parliament, to introduce into this country any number of foreign troops; that his majesty would be justified in acting upon that prerogative in opposition to the House of Commons: on hearing such sentiments a murmur pervaded the House. When the same opinion, with a little shade of difference, came from the minister, he was sorry to say the same mark of disapprobation did not follow. If the minister had done that which he said he was ready to do, and what he ought to have done, and had ventured to come to a direct question upon that subject, he did not believe that he would have found his majesty so implicit as he found the House on some occasions. If the motion with which he intended to conclude should only compel the minister to retract or to qualify the opinion which he gave the other night, some good might arise out of it. The proposition was, that the king had not, by the principles of the constitution or by the law of the land, any right to bring into this country, in time of war or peace, any foreign troops whatever, without the consent of parliament. The minister declared he was ready to meet that proposition with a direct negative, and therefore he must maintain that the king has, without the concurrence of parliament first had and obtained, a right to introduce foreign troops, to any number, whenever he pleases. This alarming assertion from the king's minister made it absolutely necessary for the House to take some step to counteract the effect that might otherwise be produced by it; for if suffered to pass, it might hereafter be quoted as a precedent, and produce

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the most fatal effect to the liberties of the people. On a former occasion it was said, he brought forward an abstract proposition; and under that idea his proposition was opposed chiefly by negative arguments, and it was thought a matter of prudence not to come to any determination upon it. It was with that view that a learned gentleman had moved the previous question upon that occasion. He did not wish to renew the discussion of what might be called an abstract proposition; but when the denial of that proposition led to principles that were hostile to freedom, he felt no difficulty in maintaining an abstract proposition, and he saw no reason why the House should shun the discussion of it. The question here was, whether in the landing of the Hessian troops there was not a practical breach of a clear, established abstract proposition? and this, he maintained, was the fact. Indeed, he thought the landing of the Hessian troops, however it might be justified by necessity, was so clearly against law, that the House could not do better than make as speedy an atonement as possible to the people for the breach of the constitution, by taking steps to prevent the injury from bearing the sanction of a precedent. That the measure to which he alluded was illegal, was pretty generally admitted. As to the positive law of the subject, he had argued, first, from the general spirit of the Bill of Rights, and the liberal construction which ought to be put upon it; and then from the positive acts of parliament which followed that Bill of Rights; but particularly from the message of king William, and the answer of the House of Commons to that message, by which they peremptorily refused to allow his majesty to keep Dutch troops even in time of peace. He was justified in saying that, according to all these authorities, the king had no right, either by law or the practice of the constitution, to bring foreign troops into this country at any time, without the consent of parliament. This point was supported also by the act of settlement, which said, that no foreigner could, under any circumstance whatever, hold any office of civil or military trust in this country; and by the Mutiny bill, by which it appeared, that such foreign troops, when in this country, could not by any legal means whatever be under any military law. Until he heard something better on the other side than had yet been urged, he should say that the landing of these troops was against the law and the practice of the constitution of this country. So clear was the point as to the employment of foreigners in any office of civil or military trust, that the act of the 1st of George 1st, which was an amendment of the act of settlement, enacted, that in every naturalization bill, it should be expressly enacted, that the person naturalized should not be capable of holding any office of civil or military trust. Now, if this was the case, he wished to know what was the legal situation of all the officers who commanded these Hessians in this country. Was theirs not an office of military trust? He expected therefore to hear some better reasons than he had yet heard for the constitutional right of the king to bring foreign troops into this country. He knew that it was against the practice as well as the principles of our free constitution. He might indeed be told of some precedents to the contrary; but were there any such precedents, he was prepared to say they were not of the least importance. He would go farther, and say, that if there had been an uninterrupted series of precedents, from the Revolution down to the present hour, they were contrary to law; for no number of precedents could sanction illegality, and that which was once proved to be unjust, must for ever remain so, notwithstanding the number of instances in which it is repeated: but in point of history, he maintained, that the precedents were in favour of his proposition; and he challenged gentlemen on the other side to show the contrary.—He must here repeat what he had said on a former occasion, that it was not any distrust of his majesty, which occasioned his insisting on this constitutional point. He had no such suspicion or distrust, but he wanted to guard against the establishment of a dangerous precedent, such as the present might be, if not done away by the resolutions of that House; and whatever confidence ministers might have in the presumption of their having acted from necessity, and therefore that they needed no indemnity for what they did, the House should take care of the principles of the constitution, and not pass over an illegal act to gratify the pride of ministers, who might think themselves too secure to need any indemnity whatsoever. He wished the House to look at the possible effect of such a measure as this. The king had

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the power of conducting all the military operations of this country. If the minister's doctrine was right, the king might bring into this country any number of foreign troops he pleased; as elector of Hanover he might introduce a number of Hanoverian troops; or pour in an army of his German subsidiaries from various places, which were too numerous and uncouth to name in an English House of Commons. He was at present engaged with the greatest powers of Europe, in a war against France; he might consult with all these, and it might be agreed, that troops from Hanover, from Austria, from Prussia, and from Russia, should be brought to this country to any number; the whole proceeding was to be sanctioned as legal, if a gracious message came from the king that such a thing had been done! Where was, then, the security of this country for its freedom? Let the House reflect on this, and let them not be too confident in the professions of any individual. He was sure, if experience was the rule to guide us, we had no reason to rely on the advice which the present minister might give to the throne, for he had already advised it to act in defiance of the declared sense of the House. In short, he thought the House, in all messages from the throne, should remember the speech of sir Edward Coke when Charles the 1st, in a message to the House had assured them, he meant nothing hostile to the liberties of the people, and that he would carefully preserve them inviolate, &c. Here Mr. Grey read the speech of sir Edward Coke, the substance of which was, that "the messages of the king were very gracious, but they must look to the law of the realm as the rule of of their conduct; not that they distrusted the king, but that they were bound to put no confidence in his messages, except in a parliamentary way."*—Mr. Grey concluded with saying, that in order that the proceeding of this night might go down to posterity, he should move, "That leave be given to bring in a bill to indemnify such persons as have advised his majesty to order a certain corps of Hessian Troops to be disembarked and stationed, for the present, on the Isle of Wight, at Portsmouth, and the places adjacent."

Mr. *Francis* seconded the motion. He said, that if the principles on which the introduction of foreign troops at the discretion of the crown had been defended were once admitted, and if the measure itself were not marked by parliament, as an act which, though, in the immediate instance it might be forgiven, could never be justified on general principles, it would be in vain to talk of constitutional securities for the future freedom of this country. On one side we should soon see the rights and claims of a feeble, broken constitution, and a German army on the other. An hon. gentleman, on a late occasion, had ventured to affirm, that the king not only had a right to bring over a foreign force at his pleasure, without the previous consent, but even against the avowed inclination of parliament. When that extravagant language was used a murmur of disapprobation ran through the House. Yet, when, in effect, the very same doctrine was maintained by the chancellor of the exchequer, with no other qualification, but that the House still would have the command of the public purse, and might refuse to provide for the pay of such foreign troops, the House had listened to him without any apparent disgust, and had seemed to assent to his opinion. Such was the weight of that gentleman's authority! But what was the security he left us, against the consequences of his own doctrine? Why, the House would be at liberty to choose whether they would pay the foreign army, already in the heart of the country. Would they so? The king, by the supposition, might land 50,000 Germans in England, might keep them here, even against the opinion of parliament, and then it was to be expected that such an army would not provide for its own subsistence. In such a case, the remonstrances of parliament would avail nothing, unless they were backed by the force of the nation. There would then be no remedy but in resistance, without which all the other rights and securities of the people would be mere shadows. Resistance, then, would not only be justifiable but indispensable. But would we wait for such a case, and run the risk of the event; or would we prevent it now, by blasting the doctrine set up by the minister, and making it dangerous, if not impractible, for him or any other minister to drive the country to that hazardous issue?

Mr. *Grenville* conceived the question then before the House was, whether or not the conduct of ministers, so far as related to the debarkation of the Hessian troops was or was not contrary to the

* See Vol. 2, p. 348.

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law and constitution of this kingdom? The principles upon which the present motion must be supported, had been argued at length upon the night when the subject was under the consideration of the House, and therefore the opinions of gentlemen must in some degree be made up upon it: those who, upon the former debate, thought the conduct of ministers improper, must now vote for this bill; and those who then defended ministers must now disapprove of it. Many of those who, upon the last night of discussion gave a silent vote in favour of ministers had been represented as admitting the illegality: but, contending for the expediency of the measure, he wished to declare, that he was not one of those; because, if the House had come to a distinct decision that night upon this subject, his vote would have been in favour of ministers, as well upon the legality as upon the expediency of the measure; and if the previous question had not been moved, he should have given his distinct negative to the motion. —This being one of the most important questions which could possibly claim the attention of parliament, he had felt himself bound to look with great minuteness into the law upon the subject; because, after what he had heard, he expected to have been able to find, in some part of our law, a clear, distinct *dictum* upon the subject. With every possible attention which he could give the question, he was not able to find any one declaration of law which could be said fairly to apply to the present case; and he thought gentlemen did not act with candour when they treated every attempt to show the inapplicability of the law to the present case with contempt and ridicule, because the distinction was, in his opinion, extremely obvious.—He would state briefly the grounds, why, in point of law, he thought the conduct of ministers justifiable. The Bill of Rights had been much relied upon by those who agreed with the mover of this bill: for his part he admired the Bill of Rights as much as any man; but the declarations in that bill did not reach the present case; for, would any man contend that it came within these words, "that the king shall not keep a standing army in this country in time of peace without the consent of parliament." In time of peace! Is the present a time of peace? Most undoubtedly not; and therefore the words in that bill could not be used as an authority upon the present occasion. The next point upon which gentlemen rested much of their argument was the act of settlement. Would any one upon attentively reading that act, say that he thought its regulations were framed with a view to a case any thing like the present?—He, for one, was ready to answer that in the negative: but to prevent all possibility of doubt, he would look to the opinion of those who themselves framed the act of settlement. That act was passed in 1700. In 1714, when 6,000 Dutch troops were introduced into the country, the expediency of their introduction was debated, and with much warmth, by Mr. Walpole, Mr. Shippen, Mr. Pulteney, and other great men; but during the whole of the discussion, not one expression fell from any one of them, calling in question the legality of the introduction of the Dutch troops. Now, if the act of settlement had rendered it illegal, could it be supposed that those who themselves framed the bill would not have taken advantage of it, and have pressed it against their adversaries? But nothing of that kind was asserted—therefore, without much presumption, he might continue to say that the act of settlement did not decide the question.—Gentlemen had also relied upon the 31st Geo. 2nd. as an authority in their favour; but he could not conceive how an act, the object of which was merely to regulate the mode of quartering and billeting soldiers, could be made to bear on the present question. If, then, there was no law which in direct terms declared such a circumstance to be illegal, he wished the House to consider, whether the practice of parliament was more decisive authority in favour of gentlemen on the other side? A resolution of the House in 1645 had been relied upon, which declares that any man who shall advise the king to introduce foreign troops into the country without the assent of parliament, is an enemy to his country, and a traitor. When gentlemen called to their recollection the circumstances which took place at the period when this resolution was passed, they would not be inclined to pay much attention to it. But, even taking it for decisive authority, what did it prove?—that the then House of Commons did not consider that as the law of the land, because, if they did, there would have been no necessity for passing such a resolution.—The precedent of 1715, he had alluded to before, in speaking of the act of settlement, he should there-

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fore only observe, that upon that occasion, 6,000 Dutch troops were landed in this country, in consequence of a treaty with the states general; and the conduct of the ministers of that day had never been called in question as illegal. The next case which occurred was that of 1756. Upon that occasion the king sent a message to parliament, not to advise with them—not to ask their approbation—but to inform them that he had sent for a body of foreign troops, who were then upon their way to the kingdom. Then came the cases of 1775 and 1784. To the circumstances of the latter case he had heard no answer, except the general one, that it proved too much. Whether it proved too much or not, he could not tell; but of this he was sure, that with a variety of other cases, it proved, that in no one instance since the commencement of the present century, in which foreign troops had been introduced into the country in time of war, had a bill of indemnity ever been thought necessary. —He would now say a few words upon what he conceived the spirit of the constitution to be on the subject. When, in bad and tyrannical times, it was asserted that the king's prerogative was paramount to all law, and wholly independent of parliament, then, undoubtedly, it was the duty of parliament to control and to diminish as much as possible a prerogative so inimical to the liberty of the people; but since then, other maxims of a more liberal nature had been introduced, and the prerogative of the king was made reconcileable to the liberty of the subject. There was not one of the prerogatives of the crown which was not under the control of parliament, by means of the responsibility of ministers; and therefore it was that he did not feel that extreme jealousy of the power of the crown which some gentlemen did. The king had assuredly the power of dissolving parliament, of making peace and war; but then there was a constitutional check upon the exercise of that power, because the minister who advised the king was responsible to parliament. He would wish to ask the House, whether they thought it more dangerous to consider this act of landing the troops as an exertion of the prerogative for which the ministers were answerable, or to consider it as illegal, for which it would be necessary to pass an act of indemnity? He thought the latter the most dangerous and the least efficacious measure. He would ask whether, if there was an invasion apprehended from the French, and the regular troops of this country were employed abroad, and suppose at the same time there happened to be 15,000 of our allies at Ostend, would or would not the minister be justified in sending for them? Most undoubtedly he would. Nay, even if the minister did not send for them, he would deserve to be impeached. Upon these grounds he should give his decided negative to the motion.

Mr. Serjeant *Adair* said, that whatever difficulties he might have been under, from the manner in which the present proposition was brought forward whatever doubts he might have entertained of the propriety of giving his affirmative to a question, stated to be substantially the same with that on which he had so lately maintained that it was inexpedient for the House to make any express declaration at all; those doubts and difficulties had been completely done away, by the manner in which the motion had been opposed. So far was he then from feeling the smallest difficulty as to the part he should take, that he should feel himself unworthy the character of a member of parliament, he should think himself a disgrace to the profession to which he had the honour to belong, if he was not prepared to stand forth in defence of the genuine constitution of the country, and vindicate it from the attack which he had heard, as well as his abilities would permit.—When the subject was discussed upon a former night, he had declared that if the real question was brought in issue, he should vote for the motion; but, not thinking it necessary to come to a decision upon the subject, he had moved the previous question: but upon the present occasion he was obliged to give a distinct opinion, or silently acquiesce in the doctrine that had been advanced. He was of opinion, most decidedly, that no such prerogative existed in the crown, as that of introducing foreign troops into the country without the consent of parliament. If it should once be determined that the king had this prerogative, all the checks which the constitution had imposed upon his other prerogatives would be but of little avail. By the common law of this country, it formed no part of the prerogative of the crown to employ either native or foreign troops, without the consent of parliament; and that common law was so far from being altered, that it had been acknowledged and enforced by several statutes, particularly by the act of set-

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tlement. At no period of the English history, have the monarchs of England had the prerogative of calling out even the native troops of this country without the consent of parliament, from the time of the Saxons down to the moment in which he was speaking; except under the feudal law, which he should presently advert to.—By the Saxon laws, a strong body of national troops, in the nature of a militia, were provided for the defence of the kingdom. From the Norman conquest down to Charles 2nd, the feudal system prevailed, by which most undoubtedly the king had the power of calling out the military tenants of the Crown; but it was not in his capacity as king, but in his territorial right as chief lord—a distinction peculiar to the feudal system, arising merely from the nature of the tenure, which was similar in respect to other lords, and not at all applicable upon the present occasion. When, in the reign of Charles 2nd the feudal tenures were abolished, the system of national defence, which was founded upon them, of course fell to the ground, and parliament were obliged to substitute another plan in its stead. They then laid the foundation of a regular national militia, which was the origin of that excellent mode of internal defence existing at the present day; and they did it, because they knew that the king, by his prerogative, had not the power of providing any means of defence for the kingdom. From that time to the present, a system has been gaining ground of having a regular body of forces, in the nature of a standing army, which the altered situation of this country, and the general politics of Europe, had in some degree rendered necessary. But that army must be annually voted by parliament, and a mutiny bill is passed every year for its regulation. This was the law of England respecting the king's prerogative relative to the forces—a point in which parliament have always been laudably anxious; and he challenged any gentlemen to show him the time when the prerogative of the crown was different from what he stated it to be.—The anxiety of parliament was evinced so early as Edward 3rd. Two acts were passed, one in the 1st and one in the 25th of his reign, in which the power of the crown, in calling out the forces, was considerably restricted. By the first it was provided, that "no man should be compelled to go out of his shire, but on sudden coming of strange enemies, and then it should be done as had been used in times past for defence of the realm." By the other, "that no man should be constrained to find men of arms, &c. others than those which hold by such services, if it be not by common assent and grant made in parliament." He did not state these acts, as directly applying to the question, but merely as establishing the principle, that the ancient laws and constitution of the kingdom had not entrusted the crown with the authority of raising any national force whatever, but either by military tenure annexed to the lands holden of the king, as chief lord, or by express grant of parliament. Even the militia, composed in a great measure of persons possessing property, in which the officers are gentlemen of landed estate, and of course interested in the welfare of the country, and who therefore could not be supposed willing to do any thing contrary to its interests, even with the control of these troops the king is not by law wholly invested; for, by the 2nd of his present majesty, he is only empowered to call out and embody the militia in cases of domestic insurrection or of foreign invasion; but there is another regulation in the same section, by which it is expressly declared, that his majesty must lay before parliament, if then sitting, the grounds for so calling them out, and that information must be communicated before the militia are embodied. The very next clause provides for a case in which parliament should not be sitting at the time; for it says, that in that case the king may assemble parliament in so short a time as fourteen days. He was aware that the words of this clause were not imperative upon the king; but every person of common sense must see what was the intention of the legislature, and that although they used the word "may," from respect to the king, yet it was intended as a positive law. If, then, our ancestors, as well as more modern parliaments, were so jealous of trusting kings with this power over native troops, could it be supposed that they were so absurd as to entertain no apprehensions of allowing the king an unlimited power to introduce, by his sole authority, thousands, or tens of thousands, of foreigners into the kingdom, to be employed in the manner he should think proper? If they could not trust native forces in the kingdom, who were attached to us

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by the ties of friendship and affinity, who were born on the same soil, who professed the same religion, who had imbibed the same principles, how could they trust foreigners, who could possibly feel no attachment for us, but would be ready to act the part they were ordered, according to the principles maintained by the minister upon this occasion, though he could not embody 30,000 of his militia without the consent of parliament, yet he might introduce 30,000 Hungarians, or any other foreigners he pleased, without rousing the fears of the people, or awakening the jealousy of parliament.

But our ancestors were not guilty of this absurdity: with the most scrupulous anxiety they provided against danger either from the one or the other; and he hoped that that watchfulness and jealousy which had always marked the House, would not now for the first time be laid down. The Bill of Rights had been alluded to. It was very true that that bill did not contain any positive regulations relative to the introduction of foreign troops into this country; but the reason was obvious—the bill was not intended as a general statement of the constitutional law of the country, but as a statement of grievances under which the country had laboured, with suitable provision for their redress. But excellent and wise as that statute was (and, in his opinion, the wisdom of it was the more conspicuous, in that it did not go beyond its object), those would be grossly ignorant of the constitution of their country, who confined their knowledge to the Bill of Rights. That act was silent as to numberless rights and privileges founded both on the common and statute law, which were as clear and indubitable as those which it recited. No negative inference, therefore, could be drawn from its silence on the subject in question. As well might it be said, because the privileges confirmed by the Habeas Corpus act, Magna Charta, &c. were not recited in the Bill of Rights, that therefore they could not be considered as the law of the country. The hon. gentleman who spoke last, complained that he was not able to find any positive law upon this subject. He would tell that gentleman where he might find a positive law upon it—in the act of settlement. The parliament, in drawing up the Bill of Rights, acted upon the true principles of legislation, because they provided for what was necessary, and no more; but afterwards, when the issue of queen Anne was extinct, when it became necessary to settle the crown upon a foreign family, possessed of foreign dominions, who had the power of raising troops in those dominions, and the means of maintaining them, then it was that the precaution and vigilance of parliament became necessary, and they displayed both in the act of settlement, which provides, as strong as words can do, against the introduction of any foreign troops into this country, without the consent of parliament; for it expressly enacts, "that no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized, &c.) shall be capable to enjoy any office or place of trust, either civil or military, &c." It was with a view to this act, as well as from the reason of the thing, that he had, in a former debate, qualified his assertion of the absolute illegality of bringing foreign troops into the kingdom, with the words, "for the purposes of services," in order to be there employed. But the argument, on the other side, endeavoured to be supported by precedent, had gone all the length of asserting the legality of introducing them in time of war, to be employed for the service of government and for the defence of the country. How, then, was it possible to evade the words of the act of settlement? Would gentlemen contend that foreign officers and soldiers, brought into the kingdom, to act in the service of the state, to defend the country, perhaps to garrison its most important fortresses, were not in a situation of civil or military trust? Or would it be contended, because the act of settlement says that no foreigner shall be employed, &c. that it follows from thence that six or eight thousand may be landed for that purpose without impropriety? That was rather too absurd a proposition to maintain.

The hon. gentleman who spoke last, had asked, where was the difference in admitting this to be the prerogative of the crown, and making ministers responsible for the exercise of it, as they undoubtedly were for every prerogative whatever; or in denying the prerogative and resting the responsibility on the avowed illegality of the act? The drift of the question was plausible but fallacious; and he would show the hon. gentleman a difference, more important than he was aware of. In the first case, admitting it to be the prerogative of the crown, and

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supposing the king should choose to introduce a very large body of foreign troops, the simple act of introducing them would not of itself be sufficient to justify parliament in impeaching ministers, because the king would have a right to have introduced them. To support any proceeding of that kind it would be necessary to allege and to prove, that criminal designs were entertained, and that the purposes for which the troops were introduced were unlawful. This would create a difficulty that could seldom be surmounted; and ministers could not be impeached till, by some overt act, they showed that their intentions were inimical to the interests or to the liberties of their country. But when they had committed this overt act, who would impeach them with an army of 30 or 40,000 foreigners at their command? Therefore, the idea of the responsibility of ministers in this point of view, was absurd and nugatory. But, admitting the act itself to be unlawful, and not warranted by any known prerogative, an impeachment might be preferred for violating the laws by the mere act, the moment there was cause to suspect that any sinister purpose was intended, and the *onus probandi* would be transferred to those servants of the crown who advised, or acted in the measure, who could only acquit themselves by showing that the purposes for which it had been taken, were constitutional, necessary, and useful. It was therefore of the utmost importance that no such prerogative should exist. Besides, this prerogative, if it existed at all in the crown, must be undefined, no trace of it appearing in any statute or institute of the law. Now, he contended, that the constitution knew of no such thing as an undefined prerogative, as they were all defined and limited by the law of the land.

Mr. Adair took notice of the two cases of 1714 and 1744, which, he said, could not affect the present case, because they were periods of rebellion: but even in those cases, it would have been as well if parliament had upon both occasions passed bills of indemnity, to have ascertained the law beyond the possibility of a doubt. He declined entering into the minute consideration of the few other precedents that had been referred to. They had all been observed upon with great ability in a former debate. The use that had been made of those precedents, was the principal motive of the vote he intended to give; for if precedents were so industriously brought forward to establish general principles inimical to the constitution of the kingdom, it was necessary to take some measure to prevent one more from being added to their number. On these grounds he should vote for the motion.

Mr. *Anstruther* said, that the first proposition that had been advanced by the learned serjeant was of a very extensive nature indeed; it was nothing short of this, that it was by no means the prerogative of the crown to raise, to muster, to discipline, to govern any troops, or to introduce any foreign force within the kingdom, either in time of peace or war. Did that learned gentleman recollect, that the crown was charged with the protection of the kingdom, and that, in time of war more especially, if his majesty saw any danger, he was empowered by prerogative to call out his forces? Besides, it was the invariable practice for the king, in his speech to both Houses, to state, that he deemed it necessary to augment his army, and to increase his navy. It was a circumstance also worthy of remark, that in point of precedent it was unequivocally admitted, that the king, during the Saxon and during the feudal system, possessed the power of calling out the forces of the kingdom. In regard to the circumstance of the king's being possessed of the power of calling out the forces of the kingdom in time of war, the reigns of Henry 7th, Henry 8th, and of Philip and Mary, furnished abundant precedents. The learned serjeant had stated in strong terms, that the king did not possess the power of raising soldiers within the kingdom in time of war, without the previous consent of parliament. To find a complete refutation of this position, the House had only to recur to the preamble of an act passed in the reign of Philip and Mary, wherein it was set forth, that the king was thereby to be enabled to raise, to muster, and to discipline troops, and to appoint officers. By the petition of rights, and by an act that passed in the reign of Charles 1st, it was evident that the crown was possessed of the power of raising soldiers in time of war. He could not discover by what mode of reasoning the militia bill could by any possibility be brought to bear upon the present question. A strong and compulsory rea-

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son was to be given for raising, and for embodying the militia—that was a question for the consideration of parliament; but what had that to do with the ancient prerogative of the king? If, under the apprehension of an insurrection, or of a foreign invasion, the king by his proclamation, could embody the militia, and assemble the parliament in fourteen days, and if the difference was, that when such circumstances did not exist, the king could not assemble the parliament in less than forty days, yet what had that to do with the question then before the House? But was it true that Charles 1st had not called out an army in time of war? It was a little singular that the measure was not noticed either at the Restoration or at the Revolution.—The next thing that was alluded to, was the act of settlement. He was inclined to think, that that act had as little to do with the present question as the Bill of Rights. The learned gentleman had stated the law to be clear on this point, that the king was not possessed of the power of having soldiers in this country without the consent of parliament. Now it was singular, that no declaratory act had been passed. It was also singular that that circumstance had not been noticed in the act of settlement. That act set forth merely, that no place or pension, no office, either of civil or military trust, was to be conferred upon a foreigner. But what had that to do with the present question? The next point was the occurrence in 1715 and 1745. It was admitted that during the rebellion, the circumstances that occurred were a justification of such a measure. It was very singular, that after the period of the rebellion, a bill of indemnity had actually passed; but in that bill not the least notice was taken of the circumstance of bringing foreign troops into the kingdom. What was to be inferred from this? Why, that that measure was not illegal. How was the present question to be decided? If the illegality of the act was not pointed out by the Bill of Rights, by the act of settlement, or even by the opinion of parliament, at any one period explicitly avowed and declared, how was that House consistently to pass a bill of indemnity for an act that was not considered as an illegal act in any one of the statute or law books?—But then a great deal had been said about the expression, "the previous consent of parliament." In his opinion, that expression was not clearly understood. It could not be supposed that the previous consent of parliament legalized an act; but then the previous consent was something. Supposing that in the present instance, an action of trespass was to be brought, how could the learned serjeant put, by way of justification, upon the record, that the previous consent of parliament had been obtained? If all that went for nothing, then the circumstances that occurred in 1715 and 1745, and the two cases that had been cited, must be directly in point. The hon. mover had concluded with reading a passage from lord Coke, that reprobated the circumstance of placing implicit confidence in messages: but were that to hold, the objection would go to all communications from his majesty, where a vote of thanks sufficiently proved the assent of parliament to a measure that had been adopted under certain circumstances, and where an act of parliament was by no means necessary, and perhaps, in some instances, might not be attended with good consequences. Would any gentleman assert, that the king had at no one period raised soldiers in this kingdom? From 1698 to the year 1701, there was a standing army kept up in this country, and the mutiny bill was suspended. From that period down to the present time, no bill of indemnity, under circumstances like the present, had been passed; therefore, it could not be presumed that this was a fit case upon which a bill of indemnity ought to pass. If it had been shown that parliament had passed a bill of indemnity in cases like that upon which the House was deliberating, then indeed there would be a strong ground to go upon. It appeared to his perfect conviction, that the cases that had been cited went most completely to decide the question. He would suppose this case, that a high character in the country had issued orders, and that officers had consequently acted upon those orders, and that it turned out that they acted illegally, then there would be a necessity for parliament to pass a bill to indemnify those officers that had acted so, against whom actions might be brought. If no illegality were made out, a bill of indemnity would be the most improper of all possible measures; because in the first place, the circumstances of such an act then passing, would give rise to the demand of a bill of indemnity in improper cases; and, in the next place,

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there was a full and complete justification upon the face of the measure itself. For these reasons, he would give his decided negative to the present motion.

Mr. *Yorke* said, that if the question had been argued upon the expediency of the measure, that proposition he might have agreed to; but when it was boldly asserted, and from a very respectable person in that House, that the king by his prerogative could land in this country any number of foreign troops without the consent of parliament, he thought it his duty to oppose that doctrine, and he considered it full time for the House to deny it solemnly, either by bill of indemnity or some serious resolution upon the subject. He knew of no such prerogative; it was not to be found in any book or in any law that he had ever heard of. Before the revolution, it never had happened that foreign troops were brought into the kingdom, and he referred to Magna Charta as a proof that the crown had no such prerogative. He allowed the Bill of Rights to be declaratory, and in no other way decisive as to the present question, but he argued from the words of the act of settlement, that no foreigner could hold any place of trust, civil or military, within the kingdom. As to times of war which had always been made a pretext for the extended exercise of prerogative, he would ask whether if Charles 2nd during the Dutch wars that prevailed in his reign, had imagined that such a prerogative belonged to him, he might not have put Portsmouth and Plymouth in possession of France, with whom we were then allied? At the time that king William introduced the Dutch troops into this country, he thought the country was obliged to him; and from similar causes the same might be said of the cases of 1715 and 1745; on these occasions parliament had not only thanked the king for his communication, but actually approved of the measure. He agreed in what had been said respecting calling out the militia, which could not be done by the king's prerogative without the consent of parliament, except in the cases of actual rebellion or threatened invasion: and upon all occasions while parliament is sitting, he contended that it was absolutely necessary to have the previous consent of parliament before any foreign troops can be landed, or even the militia called out, except in the cases he had stated. He therefore should vote for the bill of indemnity.

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Mr. *Campbell* did not see the necessity of adopting a precedent on the present occasion. It was enough that the House had confessed the expediency and necessity of what had been done by ministers for the public safety. He would therefore vote against the question.

Mr. *Sheridan* contended, that as it was a breach of the law to advise the king to dissolve the parliament, much greater illegality must attach to the conduct of those who advised him to land foreign troops in this kingdom without the approbation of the Commons, inasmush as the one was a trifling circumstance compared to the magnitude and danger of the other. It had been stated, that the address of both Houses of parliament was a sufficient indemnity, and was strictly legal and constitutional. But if a bill of indemnity was deemed necessary with respect to the violation of the corn laws, how much more necessary was such a bill, when it regarded the landing a foreign army in the country? There was one distinction that rendered a precedent absolutely desirable on the present question. The executive power was created for the benefit of the people governed; and that precedent could not be a bad one that was for the benefit of the people; and he should be concerned to hear it laid down as an axiom, that in proportion to the abuse of the executive power, were the representatives of the people incapacitated from exerting their rights, in order to prevent an unconstitutional stretch of the prerogative of the crown. He was a friend to just prerogative, but the parliament had rights to maintain tantamount to every other consideration; and if once they were tamely to suffer the assumed exercise of any one prerogative of the crown, that moment they sealed the death warrant of the constitution. If it was argued, that his majesty had the power of landing foreign troops in this kingdom, without the previous consent of parliament, and that argument was admitted, that moment the liberties of the country were overthrown. It had been said, that there was no declaration against the king introducing foreigners into the kingdom, and that of course the measure was not illegal. But the dignity of parliament was called upon to resist any such insinuation; for when Solon had been told, that in his code of laws, there was no punishment against a son who had murdered his father, he replied, that

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it was because he could not conceive the possibility of perpetrating a crime so monstrous. The argument he adduced from this was, that the contemplation of a measure of such magnitude as that of landing foreign troops at the pleasure of the sovereign, a measure that might at once annihilate the liberties of the people, was such as did not come within the contemplation of our lawgivers, as a thing far above the puny restrictions of a statute, a thing too monstrous to be thought necessary to be recognized by an act of parliament. He next adverted to lord Stafford, a man eminent for his protection of the rights of the people against the encroachments of the crown, and equally notorious with others for his shameless apostacy. When he commanded an army against Scotland, he was told that the law made it illegal; but what was his reply? That he would hang any lawyer who dared tell him so. When he recollected that memorable speech, he was aware of the arguments to which gentlemen on the opposite side would have recourse, were he to mention the situation in which he considered the Hessians, who were the subject of the night's debate. If he were a magistrate, he should not hesitate to disperse those foreigners, as an illegal and tumultuous rabble. He denied that they were a legal army. The mutiny act did not attach to them, and they were not of course, recognized by the civil power. The militia act enjoins, that if it was necessary the domestic force of the country should be called out, the circumstance should, as soon as convenient, be submitted to the House. But if in an interval of parliament, 50,000 foreign troops were to land in the kingdom who would assert that the responsibility of the minister was a sufficient apology for the measure? For his part he should not be very forward in moving an act of impeachment against a gentleman at the head of 50,000 men. It was ridiculous to say, that a previous notice of the measure was a sufficient security, as while the members were speaking *pro* and *con* on the business, the lobby of the House might be filled with foreign mercenaries. Mr. S. concluded by giving his hearty approbation to the motion.

The *Attorney-general* said, that the House had, a fortnight ago, agreed it was improper to decide on the legality or illegality of introducing foreigo troops intn this country; yet this night they were called on to grant a bill of indemnity for that measure, upon which they had refused to decide whether it was legal or illegal. The House he was certain, would not sacrifice its character by such inconsistency. He considered the prerogative of the crown as sacred as any other branch of the constitution. There was no prerogative vested in the hands of the executive that was not liable to abuse; but if it was abused, the House and the nation could punish the ministers who advised the crown, and whom the constitution made responsible for its errors. He agreed that if the minister was at the head of 50,000 men, it would be difficult to make him responsible, but the supposition was too extravagant to comment on, and the argument equally made against every species of prerogative vested in the executive government. The precedents he would decline discussing, but he denied that they at all went to decide the question. In the rebellions, parliament did not pass an indemnity bill: though proposed, it was rejected. One bill did pass this House, but it was thrown out in the other. He was certain the House would not deeide on the illegality of the introduction of these troops; if it meant, however, to bring in a bill of indemnity, for which he could not see the smallest necessity, it must first come to some specific resolution on the illegality.

The Earl of *Wycombe* said, that the introduction of these troops, was inconsistent with the established constitutional maxims, and repugnant to every idea of rational policy. Much as he valued foreign conquest, he preferred domestic felicity, which could not be ensured, whilst mercenary troops were in the country, or whilst the minister had the power of introducing them into the kingdom. He argued much on the danger of the power. He recommended the bill of indemnity, for the purpose of establishing a precedent, which might prevent future ministers from transgressing the limits prescribed by the constitution.

Mr. *W. Smith* said, that the illegality of introducing foreign troops could not be questioned. It was asserted by ministers last year, that the executive magistrate could build barracks in any part of the country he pleased, and when built, parliament might take into consideration the propriety of their being erected. If the crown had also the power of introduc-

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ing foreign troops, what might it not accomplish? It would become equally despotic with any other in Europe. Parliament could then make no stand against the crown; it would be soon overawed and intimidated into a compliance with any resolution the crown might suggest. Gentlemen asked what was the use of the bill? It would declare the act of introducing these troops to be illegal, and establish a valuable precedent.

Mr. *Powys* said, that from what he had heard that night there seemed to be a jealousy entertained of his majesty's ministers. If there were any grounds for that suspicion, gentlemen ought not to come forward with their bill of indemnity but should make a motion for impeachment, and lay before the House their reasons for entertaining such suspicion.

Mr. *Adam* said, that nineteen years ago he supported administration, at a time that the momentary introduction of foreign troops was necessary. He had then determined that a bill of indemnity was necessary, and he had never had the smallest inducement to change that opinion. He would assert, that there was no free constitution in this country, if the monarch could introduce foreign troops without consulting his parliament. In 1715 and 1745 the parliament was silent; but it by no means followed, because parliament did not interfere, that the law was altered. But what was the opinion of lord Mansfield? At the time of the corn business he thought a bill of indemnity absolutely necessary.

Mr. *Fox* said, that if the introduction of foreign troops into this country was legal to talk of liberty was absurd, to speak of a free constitution was weakness—then, any thing which had been advanced relative to this constitution in modern pamphlets was true, and even Mr. Paine himself had not written a word of falsehood; but the subject had been too well argued for him or any unprejudiced man to entertain a doubt upon it. Ought such a question to be agitated in a free parliament? Ought such assertions as had been advanced to find their way in this House, or ought we to remain a moment in doubt, whether such a dangerous and arbitrary power should be vested in the hands of the executive magistrate? If there was, or if there ought to be, such power in his majesty's ministers, all he would say was, that every idea he had formed of the British constitution was vanished; and as long as he had the liberty of speech, he would remind the House of its situation, and again and again remind the country also, that it was not the intention of our ancestors that his majesty's ministers should possess this authority. The attorney-general had, although he opposed the motion, again declined to state his own opinion on the general question; but it was not very difficult to guess what his opinion must be; for if it had been conformable to that of the minister, it would not have been withheld.—As to the illegality of introducing these troops, he trusted the House would execrate the idea of the crown having this power; and he hoped it would be equally execrated throughout the country. The objection made that night to the motion was, that, because bills of indemnity were unusual, they ought not to be granted. On a former night the motion was refused, because it was unnecessary. Indeed, there were different opinions in the House on this clear and constitutional principle; some said they ought not to interfere because the measure was illegal: others justified the proceeding; whilst others refused to give any vote on account of the illegality. With regard to precedents, he would not trouble the House on that head. He said it would be criminal to sit silent now, and not at least establish a precedent for our posterity, since it was the silence of other parliaments on similar questions, that had given us the smallest cause to doubt of the illegality of such a prerogative as was now maintained. Had this occurred to those great men who framed the Bill of Rights they would have guarded against the cunning of the artful servants of the Crown. One gentleman had alluded to the case of a sick Hessian, and had asked, if one sick Hessian was landed on our coast, would we require a bill of indemnity? And this case, he said, applied in the present instance. But how could any gentleman use such an absurd argument? Was that the case, or was it not? When this message was sent down by the crown, it was asked, how many foreigners were to be introduced? His majesty's minister answered, he could not declare. It was next demanded, how long they were to remain in this country? On that head we were left equally uninformed But now it turned out, that this country was to be the rendezvous of this foreign army, and here they were to remain till a descent on France should be practicable.

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He should be very happy if the House would give his hon. friend leave to bring in a bill; for the legality of the power would then be fully discussed, and the people would know whether or not they were free, and whether their constitution was worth protecting. It had been said that every prerogative was carefully watched, and that ministers were responsible for any abuse. He did not suppose ministers would engage in a measure decidedly illegal, unless they had some grounds to justify that illegality; but if their intentions were upright, what objection could they have to this bill of indemnity? He could not dive into the hearts of men, but he knew ministers were naturally attached to prerogative, and often increased it to answer some favourite object. He alluded to the argument that had taken place in 1767 respecting the corn embargo, and quoted the authority of lord Mansfield, to show the propriety of ministers having recourse to indemnity, when even necessity should urge them to act illegally. Nothing could be more dangerous than this prerogative, unless, indeed the refusal of the crown to assemble parliament. If a minister could introduce foreign troops when the parliament was sitting, he might as well attempt it when it was not sitting. In such a case, every subject was bound to oppose him, and bring him to a proper sense of his duty.—He trusted that gentlemen would not return to their constituents, and tell them that the minister had the power to introduce foreigners at his discretion. That they would not say, "We have reposed in him, with regard to mercenary Hessians, that power which we are jealous of giving with respect to our own militia. We have permitted him to send from the country our own regular troops, and have suffered him to substitute in the place Prussians, Hessians, Austrians, or Russians. We have surrendered those rights which our fathers struggled to procure; we have reposed in him that unlimited confidence which his predecessors were never suffered to enjoy. We gave our liberties to be protected by strangers, who are ignorant of their value: we have thus sported with your freedom, and abandoned your dearest rights to the discretion of ministers." No, let us not betray the trust reposed in us; let the crown lawyers come forward and give us their opinions; let them defend this important point; let them declare the language of the British law, which is so clear and decisive on the subject. He would vote for the bill, though he preferred the former motion.

Mr. *Pitt* said:—At this advanced period of the debate I shall trouble the House as shortly as possible. Indeed, I cannot feel it necessary to say much on the present occasion, as the question appears to me to lay within a very narrow compass. It is indeed neither more nor less than whether the House, after hearing exactly the same arguments as on a former debate shall be prevailed on to come to a declaration still more objectionable than that which was then proposed, and which they then thought proper to reject? What upon that former occasion was the state of the question? It was proposed that the House should come to a declaration, that the introduction of foreign troops into the kingdom, without the consent of parliament was illegal. What were the grounds upon which this declaration was opposed? By some, objections were urged to the abstract proposition; by others it was contended, that the particular assertion was unfounded. It was objected to by a learned serjeant because though he professed himself to be one of those who entertained opinions against the legality of the introduction of foreign troops, he still considered the present case as so narrow as not to render any declaration necessary on the subject. An hon. gentleman had stated, that the arguments on which the House had declined coming to a declaration on that occasion, were so various as to render it proper that the question should be again agitated. I draw a very different conclusion. The House declined coming to a declaration, either because they thought that there were no arguments sufficient to induce them to come to the declaration proposed, or because they saw no necessity to come to any declaration at all. This being the state of the case, what was now attempted by the hon. gentleman? His motion went to impose upon the House the same declaration in a shape which, by his own confession, was still more objectionable than that in which it was originally brought forward, namely, in the preamble of a bill of indemnity. That House had never thought it necessary to interfere with declarations, except in practical cases. Such was the case in the Bill of Rights; they had never thought necessary to apply a remedy, unless it was proved that there existed some specific grievance; but by the measure at present

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proposed, we are required to renounce this mode of procedure, sanctioned by the wisdom of our ancestors, and the uniform practice of parliament. Therefore I contend, that the objections urged on the former occasion apply equally to the present; though from the new shape in which it makes its appearance, it will be found that they have not the same advantage from their arguments. It has been particularly urged in the present debate, that it is improper to leave any question undecided which has once been started. I ask, whether it has been the practice of parliament, when once a question has been started, to follow it up with a series of declarations and definitions, as far as the utmost stretch of the most subtle imagination can go, or whether this is the proper method of setting a question at rest? Against this mode of reasoning I must therefore enter my protest.—But we are told that since the act of settlement, in every instance in which foreign troops have been introduced into the kingdom, a positive law has been contravened. What weight is due to this argument will appear from the circumstance, that the attention of the public must have been called to every instance of this sort, particularly in times so near to the period at which the act of settlement was made, and when jealousies must still have been fresh. Still, however, it was deemed the most wise procedure to leave the point to be determined by usage and practice. Nay, upon one occasion, a bill of indemnity was proposed by one House, and rejected by the other. As to what has been urged against me, that in the question of the regency, in opposition to my own maxim, I insisted on the propriety of coming to a decision on an abstract declaration, I must remark, that the proposition which was here contested met us on the very threshold; that on it were founded all the practical resolutions which I had to propose; and that without settling it, there was no possibility of proceeding. With respect to my conduct on the former debate, in coming forward to give my opinion at a time when it was said any opinion was deprecated, the very gentleman who deprecated the giving any opinion, did actually state his own opinion with respect to the illegality of the introduction of foreign troops. This being the case, I did not think that it would be manly in me, differing as I did with him in sentiment, to disguise my opinion. And while I disapproved of the House coming to any declaration, I at the same time stated, that I considered the opinion of the illegality of the introduction of foreign troops not to be proved to be founded in law. The charge of bringing forward the question does not rest with me But when it was brought forward, I considered it my duty, honestly to deliver my opinion on the subject. I examined it upon the grounds of law and of precedent I found no law sanctioning the declaration proposed by the hon. gentleman, and on the contrary I found the stream of precedents to run exactly the other way. With respect to what has been urged, of the pride of a minister being hurt by a bill of indemnity, how can that be the case, when the very circumstance of a bill of indemnity supposes his conduct either to have been unavoidable or meritorious? While my own opinion is decided with respect to the clear legality of the proceeding, it is at the same time equally made up, with respect to the impolicy of any declaration on the part of this House, and of all modes which might be suggested for that purpose I deem that which is at present proposed, to be the most improper.

The House divided:

Tellers.

Yeas	Mr. Grey Mr. Francis	- - - - - - -	41
Noes	Mr. E. J. Elliot Mr. Anstruther	- - - - - -	170

So it passed in the negative.

Debate on General Fitzpatrick's Motion relative to the Detention of M. De la Fayette.] March 17. General *Fitzpatrick* said, that if, at all times, it became him to apologize to the House, for offering his sentiments, he must request a more than usual portion of their indulgence, when he brought forward a motion of a nature so peculiar as that which he was now about to submit to their consideration. When, upon a former day, the unjust detention and rigorous confinement in the prisons of an ally of this country, of four distinguished members of the constituent assembly of France had been adverted to, there seemed to prevail so marked a sentiment of abhorrence of that act of tyranny, as to induce his majesty's chancellor of the exchequer emphatically, on the part of the councils of this country, to disclaim all participation in a transaction so justly reprobated. That right

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hon. gentleman was probably of opinion, that this declaration, delivered from an authority so high, and in a manner so public, was sufficient to exonerate the character of the country from any share of that odium, which such an exercise of wanton tyranny must naturally excite in every humane bosom. But if this end were attained by it, it would not become the House to content themselves without proceeding a step farther, and considering, at least, whether it might not be in their power to devise some expedient for relieving from their calamitous situation the victims of a tyranny, which a sense of national honour had prompted them to disclaim. Mere motives of humanity might as strongly induce us to such a conduct, as when unfortunately we have thought ourselves justified by political motives, to form alliances with Indians, we have still felt it a duty to endeavour to wrest the tomahawk from their hands, to prevent their prisoners from being scalped; nor had Englishmen heard, without pride and satisfaction, instances which had occurred in the present war, of British soldiers interposing to preserve the lives of their enemies from Austrian and Prussian barbarity. But it was not upon mere motives of humanity that he rested the grounds for our interference. To all who might think the minister's declaration sufficient to vindicate the national honour, he conceived he had a decisive answer, in the fact, that the king of Prussia being solicited to liberate these unfortunate prisoners, had returned for answer, "That the liberty of the persons applied for, did not depend upon him alone; that the other powers must be consulted; and that their consent was necessary. Now, he would ask, if the British nation looked, as he believed it did, with abhorrence and detestation upon this unjustifiable act of tyranny, whether we were not called upon by this declaration of the king of Prussia, to express our sense of it, and to notify to our ally, that, as far as this country is concerned, we disclaim all participation in the iniquitous treatment of these unhappy persons? The attention of the public had been so generally occupied with the wonderful events of the French revolution, that it might perhaps appear hardly necessary to call it towards the conduct of an individual, who, from the very conspicuous part he has acted through the course of them, seemed to form the principal subject of the present day's discussion. A friendship he had contracted with La Fayette at an early period, and of which he had never seen reason to feel otherwise than proud, had led him to a minute observation of his conduct in the very difficult and trying situations in which he had been placed; and he would venture to say, that, as far as public events could prove, or as any private information could enable him to judge, he had never deviated from that straight path of honour and integrity, to which he knew it to be the natural disposition of his character inviolably to adhere.

No one could have attended to the progress of the French revolution, without remarking, that the actors in these interesting scenes had been divided into four distinct parties: first, into the two general decriptions of royalists, and republicans; these again subdivided into the supporters of an unlimited and a limited monarchy, of a republic, governing through the medium of a popular representation, and of another, styling itself a republic, dictating to that popular representation, and exercising an absolute authority by means of clubs and societies, co-operating throughout the country, and subjecting the whole of it to the uncontrolled dominion of a sanguinary and tyrannical usurpation. What had been the causes which had contributed to throw all the power into the hands of this last description, it was not for him to inquire; but he would wish to put this question to every member; amongst which of the four classes of men he had described should we seek those characters, whose views and principles should be most congenial with those of Englishmen, attached, as all Englishmen justly are, to the constitution of their country? It might be said, and with truth, that the constitution, established by the constituent assembly of France differed most essentially from that of this country. Nay more, he would admit, that it appeared to him so unskilfully framed, that it contained in it such principles of self-destruction, as made it next to impossible that it should not speedily terminate, either in an absolute monarchy or a republic. Still, however it would be impossible to deny, but that the framers of it had, in a certain degree, looked towards this country as a model, although they had perhaps with more presumption than judgment, conceived themselves equal to the task of improving upon a system, the wis-

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dom of which experience had sanctioned. In this description of men, from the first formation of the national assembly to the hour of the dissolution of the monarchy of France, were found uniformly and steadily acting the four ill-fated persons now languishing in the prisons of our ally the king of Prussia. Whatever might be the universal feeling towards the French government in the present moment, he desired to recall the recollection of the House to what had been the prevailing sentiments of almost all parties and descriptions, when the news of the destruction of the Bastile first reached this country; and he would ask, if that event, though attended with some popular excesses, which it should be remembered La Fayette endeavoured, at the hazard of his life, to prevent, was then considered as a crime, his share of which he deserved to expiate in the bastilles of Wesel and of Magdebourg? He was at that time called by the voice of his countrymen to the command of that national guard, which carried into effect and maintained that revolution; a revolution, he would venture to assert, favourably considered in this country. If we follow his steps from that day to the hour in which, after an ineffectual struggle against the Jacobin usurpation, he withdrew himself from the French territory, no one instance could be produced in which he had not proved himself, as far as circumstances admitted, the supporter of order, of legal authority, of the constitution, and more especially of the personal safety of the monarch appointed to preside over it. After having organized the national guards, it was for these purposes he uniformly exerted himself. It is true, his authority was not always adequate to the task. The days of the 5th and 6th of October had been cited against him. It was well known, that general La Fayette was forced, under threats of immediate assassination, to Versailles, upon that occasion; but his conduct when there, would best explain the motives by which he was actuated. It is a fact, that under the walls of the palace, then assailed by an outrageous multitude, he prevailed upon the troops to renew their oath of fidelity to the king. It is a fact, that he attacked and drove that multitude from the palace. It is a fact, that he himself personally delivered from the hands of the assassins, fifteen of the unfortunate royal guards. Nay, it is probable, that if designs were entertained against the safety of the royal family, it was owing to the exertions of La Fayette that those designs were defeated. Be that as it may, the queen hesitated not to declare that she considered herself as indebted to him for the preservation of her existence; and there are those now in London who heard the unfortunate princess express herself to that effect. The utmost blame which had been, with the slightest colour of probability, imputed to him upon that occasion, was, that having believed, perhaps too hastily, tranquillity to be restored, and the security of the palace provided for, after having been sixty hours without sleep, after having been fifteen hours on horseback, combating with the fury of tempestuous weather, and the more tempestuous fury of an enraged multitude, he had allowed himself the indulgence of a short interval of rest. During that interval the outrages were unhappily renewed; and this had furnished his calumniators with a pretence for accusing him of having retired, purposely to give occasion for the renewal of those outrages which he had quelled, and which, upon their being renewed, he again flew with equal zeal and alacrity to repress.

Every subsequent action of his life was a refutation of this absurd calumny. During the king's residence at Paris, he exerted himself to obtain for him more liberty than the public jealousy thought it safe to grant him. When that jealousy incited the people to resist his intentions of retiring to St. Cloud, La Fayette strained every nerve to maintain the unfortunate monarch's right of removing where he thought proper; and finding his efforts ineffectual, he actually resigned his command of the national guards, and had been induced to resume it at the solicitation of all the peaceable inhabitants of Paris, who in him saw their only safeguard against outrage and confusion, and at the solicitation of the royal family themselves, who in him saw their only protector against those who meditated their destruction, which the ill-advised and ill-concerted measure of the king's flight too much contributed to effect—a measure adopted at the suggestion of other consels, and taken without the knowledge or concurrence of La Fayette. Could it be necessary to defend him against the imputation of having sent an aid-du-camp to arrest the monarch upon his flight? By so doing, he did not, in fact, contribute to

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prevent his escape; for the king had been stopped several hours before the arrival of his messenger, within six leagues of the frontiers. But could he possibly do less than this, without incurring the suspicion of having connived at a step then universally considered as fatal to the interests of his country? While this is imputed to him as a crime by his enemies, they forbear to mention, that upon the king's return, it was to his firmness and fidelity alone, that the attempt to overthrow the monarchy was at that time relinquished. In a committee of leaders of the assembly, when it was agitated whether the king's prosecution should or should not be instituted, La Fayette put an end to the deliberation, by explicitly declaring, that if they proceeded to the trial and deposition, or execution, of the king, he would, at the head of the national guards, proclaim Louis 17th. Soon after, in the first instance, the Jacobins ventured openly, by insurrection, to violate the freedom of the assembly. It was upon that occasion that La Fayette, under the provisions of the existing law, in the Champ de Mars, by force dispersed the insurgents.—It had been urged against him in this country, that upon some occasion or other he used the dangerous expression of the "sacred duty of insurrection." His actions are the best interpreters of his meaning in these words, and they have shown that it was tyranny of every description which he considered it as a duty to resist. Nor was he less ready to revolt against the oppression of the Jacobins than he had been against that of the ancient despotism of France. Whether all his measures were well timed, he would not pretend to decide. It was sufficient, if purity of intention appeared to have been the motive of his conduct. It had happened to few persons to have so many opportunities, and to have more eagerly embraced them, of sacrificing his favourite objects to a sense of duty. With an ardent thirst of popular applause, he hesitated not to sacrifice his popularity with the multitude of Paris, to his principle of supporting what the assembly had established. Anxious as he had ever been for military glory, he strenuously opposed a war where the command of an army offered him the means of acquiring it. When the moderate party, to which he faithfully adhered, declined in power, he resisted every offer made him by the republicans. He laid before the king a project for securing his retreat from Paris to Compiegne, which the constitution warranted. Unfortunately the king, though he expressed his obligations to him, did not think proper at that time to make the attempt. So late as the 5th of August he acceded to it, when too late. His messenger did not reach La Fayette till the 8th, and on the 10th, the fate both of the monarch and the monarchy was decided. Still the republicans did not despair of gaining over La Fayette to their views; and it is well known, that the commissioners then sent to his army had instructions to offer him the first dignities of the Republic. His answer to them was, the consigning them to the civil power, as violators of the law; and after a virtuous, though ineffectual, effort to support the constitution to which he had pledged himself, he withdrew himself from his command, and passed the frontiers, in the firm resolution, however, of not joining the enemies of his country. And here, perhaps, may be traced the causes of the rigorous treatment he has met with. Had he deserted to the enemy, he would have been received with open arms. Had he delivered the commissioners of the assembly to the Austrians, he might have seen his virtues recorded in the proclamation of princes. Had he, like some others, carried off the money chest of his army, he might have insured himself a welcome reception. But his conduct was different. Though determined not to serve, his generous nature forbad him to betray the Republic. As a duty to those he commanded, he left them in such a position, that when general Clairfait, upon the report of his having quitted them, conceived it a favourable opportunity for attacking them, and marched for that purpose, he found them so posted as to judge it prudent to relinquish the attempt. La Fayette, with a company of officers, in all, including their attendants, consisting of forty-two persons, passed into a neutral country, and upon neutral ground, having entered an Austrian post, upon a promise of a free passage from the commander, was he made prisoner. From this post he was conducted to Namur, where he was offered his liberty upon condition of joining the army of the French princes. This he hesitated not to refuse, and the king of Prussia, commanding in the district, demanded him and his companions as his prisoners. That they have not been considered as

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prisoners of war, as some have contended, was clear from the circumstances of all those who had served in their armies being released, and those only detained who had been members of the Constituent Assembly, and who being transferred to Wesel, were confined specifically as prisoners of state. It was not for him to hazard an opinion upon the law of nations; but he could not conceive upon what construction of it a prince could be authorized to confine, as prisoners of state, the subjects of another country, for any conduct which, with respect to that country, they might have thought fit to adopt.—With respect to the treatment of these unfortunate persons, he could state from the most authentic information, that it had been to the last degree cruel; that they had been confined in subterraneous and unwholesome dungeons, which had nearly proved fatal to the lives of some of them; that they had been debarred from all communication with each other, and the utmost favour which, after long solicitation, had been obtained was, the permission one hour in the day each separately to breathe the fresh air, and that under a number of harsh restrictions.

He feared he might be accused of having dwelt too long on a subject upon which there could be but one common feeling. All the opposition therefore he had to expect must be founded upon the supposed impropriety of our interference in this business, and it was to this point that he most particularly solicited attention. He believed the nation was sufficiently awakened from the dream of supposing the subjugation of France possible, by means of external force alone. The king's declaration of the 29th of October, authorized him to conclude, that it is to the disposition of a part of the French nation to shake off the tyranny of their present rulers, that ministers chiefly look for a happy termination to the present contest. Could, then, the promises held forth in this declaration be considered by those to whom they were addressed, as otherwise than false and delusive promises, made only by one of the powers combined against them, while others of the confederates manifest, by their conduct, the different views and motives by which they are actuated, and plunge into their dungeons persons of the very same description with those whom the king of Great Britain is addressing in France with invitations to co-operate with him, and to whom he is promising every assistance and support? Under the words of this declaration, La Fayette, and his fellow-sufferers, are entitled to demand from the king of Great Britain, "as far as the course of human events will allow, friendship, security, and protection." He then quoted the words of the declaration, holding forth these promises to "all such as should declare for monarchical government, and shake off the yoke of a sanguinary anarchy." They had, he contended, declared for a monarchical government; nay more, they had hazarded their lives in its support. They had shaken off the yoke of a sanguinary anarchy; but they had unfortunately fallen into the hands of what is called a legally established government, not less unjust and tyrannical. Could it be maintained that the interference of the king of Great Britain was improper in behalf of those to whom he had solemnly promised friendship and protection? Or would it be said that those promises were intended only for such as should declare for the unlimited and arbitrary despotism of the ancient monarchy of France? Though the conduct of ministers, should they persevere in withholding their interference in this case, might warrant such a suspicion, the words of the king's declaration expressly contradicts it. If the treatment of these prisoners is an improper subject of concert with our allies, the whole conduct of the confederacy with respect to France, is a subject equally improper to concert with them. Was there any man who did not feel that the object above all others the most desirable was, to unite the whole of the confederated powers in one uniform and explicit declaration of the purposes of the war? It was surely inconsistent that while the kings of Great Britain and Spain invite the constitutionalists of France to join their standard, the emperor and the king of Prussia should load with chains and condemn to imprisonment, those very constitutionalists who are so unfortunate as to fall into their hands. It had been said, that a French gentleman had been lately banished from this country at the instigation of the court of Vienna. If this was true, it was a flagrant violation of that confidence which the legislature had reposed in the executive officers of the crown, in passing the Alien Bill. The irresponsible nature of that law prevented the means of ascertaining the truth or falsehood of the report; but if it was true, what should we think of those who, while they scru-

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ple not to inflict punishment to gratify the vindictive cruelty of one ally, affect to deny their power of interposing to solicit pardon from the clemency of another? In all points of view, the House was called upon to concur in the address he was about to move. In carrying it to the foot of the throne, we should afford to our sovereign an opportunity of displaying to the world those virtues which he so eminently possessed. What better answer could be made to the wild and undistinguishing invectives of democracy, involving all kings in the common denomination of tyrants, than the example of a monarch, reigning over a free people, interposing his benevolent intercession in favour of men suffering the penalties of having defended the liberties of their country? What better contrast could we afford to the Atheism we impute to our enemies, than the practice of the most exalted Christian virtues, and, in the case of one of the persons alluded to, some might perhaps think should be added, that peculiarly Christian virtue, the forgiveness of injuries? This led him to the circumstance of La Fayette having served in America, against this country, previous to any rupture having taken place between France and England. To those with whom he had agreed on the subject of the American war, no justification of La Fayette was necessary. Was it a crime, never to be forgiven, in a young man of nineteen the subject of a monarchy where military glory was considered as the only laudable object of ambition in one of his rank, with the connivance, perhaps with the encouragement, of the prince of whom he was the subject and the officer, to have engaged in hostilities against a rival nation previous to the declaration of a war which ensued but a year afterwards, and that without any such declaration having been formally made? It was reported, that America had solicited the liberation of her unfortunate adopted fellow citizen; it could hardly be doubted, but the illustrious president of those states must feel deeply interested in the misfortunes of his friend and pupil, into whose mind, by precept and example, he had instilled those principles, which were in truth the cause of his present sufferings. The influence of America over the councils of Berlin might not be very powerful; that of Great Britain could scarcely be exerted in vain. Let British magnanimity, then, be called to the aid of American gratitude, and exhibit to mankind a noble proof, that wherever the principles of genuine liberty prevail, they never fail to inspire sentiments of generosity, feelings of humanity, and a detestation of oppression.—He wished not to urge the motion, if ministers should signify their disposition to interpose in behalf of these unfortunate prisoners: not prisoners of war, according to any known rule or practice of war: not prisoners of state, according to any possible interpretation of the law of nations; but prisoners detained, not less in defiance of every principle of law and justice, and far less so upon any pretended plea of necessity, than any of the unhappy persons now languishing under the tyranny of Jacobin despotism in the dungeons of Paris. He concluded with moving "That an humble address be presented to his majesty, to represent to his majesty, that it appears to this House that the Detention of the general La Fayette, Messieurs Alexander Lameth, La Tour Maubourg, and Bureau de Pusy, in the prisons of his majesty's ally the king of Prussia, is highly injurious to the cause of his majesty and his allies; and most humbly to beseech his majesty to intercede with the court of Berlin, in such manner as to his royal wisdom shall seem most proper, for the deliverance of these unfortunate persons."

Colonel *Tarleton* seconded the motion. In doing so, he declined entering into the general circumstances of French affairs, of the causes which led to the various scenes which took place in that unfortunate country, or of the effects which followed them; or to expatiate upon the early virtues of M. La Fayette. The great exertions which that unfortunate man had made, in order to crush anarchy in the bud and to prevent confusion: his unparalleled attachment to his sovereign, and his zeal for the promotion of the cause of genuine liberty, were too well known to derive lustre from any eulogium that he could pronounce. He should forbear to enter into an investigation of that infamous combination of tyrants, the treaty of Pilnitz, which, at a time when France was about to enjoy something like a temperate and rational freedom, La Fayette found himself at the head of the armies of France, by the unanimous voice of his country, for the purpose of repelling those invaders. To prove the general's sentiments at this period, he read an extract of a letter written by him from the entrenched camp of Maubeuge, upon the

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occasion of debates held upon the question, what degree of power should be entrusted to the king. In this letter he stated, that he was for preserving the monarchy strictly hereditary as heretofore: that the king should be free; that he should be at liberty to choose his ministers, and not have the chains of a faction forced upon him against his will. These he declared to be his sentiments, which he found it necessary at that time to avow, lest the uncertain events of the war should hereafter put it out of his power to do so. This letter, when it reached Paris, immediately excited the resentment of the Jacobins who now first began to rear their head, and produced a formal accusation of La Fayette before the assembly. Upon this occasion what did that general do? Instead of marching to Paris at the head of the army, which, attached to him as they were at that period, he might easily have done, and made every thing subservient to his will, he set off, and presented himself almost unattended before the assembly. He there so well defended himself against his accusers, as to call forth their unanimous acquittal and approbation; and thus for a while truth obtained a triumph over villany and treachery. This, however, was but of short duration. Upon his return to the army, he found his enemies, taking advantage of his absence, had corrupted the troops, and poisoned their minds against the man whom they so lately adored. After the unfortunate 10th of August, he wrote a letter to his army, desiring them to support the cause they had sworn attachment to, and to choose between their king and Petion. When he found that his army, corrupted by Jacobin commissioners, was unwilling to comply with his wishes, instead of abandoning his principles, and taking advantage of the situation he held, he resolved to sacrifice every thing to the preservation of them, and to fly his country, which he could no longer serve as those principles dictated. He therefore departed from France with a few followers, intending to go to Holland, and from thence to America, that asylum of liberty and peace. In going through a neutral territory, he was intercepted by an Austrian patrol, and taken where he could neither be considered a prisoner of war, nor a traitor. The colonel, therefore, hoped, when these facts were so evident, that we should interfere, and rescue an illustrious exile, whose sufferings would be recorded on the page of history as an eternal stigma on the king of Prussia. The cruelty that had been exercised towards that unfortunate person, were such as might well draw the tear of pity down "Pluto's iron cheek." He was at first treated with some share of lenity, but afterwards with all the ignominy and cruelty described by his hon. friend. He would desire the House to consider the impolicy of such conduct; and he hoped, that at a time when we were treating with Prussia, possibly for the purpose of parting with our treasure, we would interfere, and endeavour to rescue La Fayette from those hardships which he had been unmeritedly doomed to suffer; and that his majesty's ministers would lose no time to wipe away the foul stain that blurred the ermine of majesty. He could, from his personal knowledge of the unfortunate general during his residence at Paris, say much of his virtues, his integrity, his attachment to the cause of true and temperate liberty, his tenderness to his wife and children, his universal benevolence, and his admiration of this country. He had neither countenanced nor participated in the crimes of Danton or Robespierre, but had supported his king, and fallen a victim to the cause of royalty.

Mr. *Pitt* said, that the hon. gentlemen had expatiated most eloquently upon the character of M. La Fayette. That was a point which he would not dispute with them; but at the same time he could not agree with the hon. gentlemen on many of the topics which they had dwelt upon so forcibly. He would never admit that the four persons who were the objects of the present motion ever were the friends of true liberty, or deserved well of their country; nor did he understand that their detention by the king of Prussia was in any degree a departure from the rights of war or the law of nations. The simple question was, whether any case was made out, whereby this country was implicated so as to be bound to interfere, from motives of justice, honour, or policy? Now, he could not be induced to admit, that the cause that had been espoused by M. La Fayette, or that the principles that he and his friends had acted upon, were such as deserved well of Europe. If any extraordinary severity had been exercised towards those persons, it was to be lamented; but if the circumstances were not made out sufficiently to justify condemnation, the accusation totally failed, be

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the ground of it ever so lamentable What were the circumstances of the case? That a person, who had the command of an hostile army, had, without any direct or indirect proposition on his part, thought fit to withdraw himself from that army, and had been found within the post of that very enemy against which the army he commanded were acting. He would put it for the consideration of the House, whether this case could be deemed a violation of the law of nations? He had heard it asserted, that those persons were detained at the instance of a neutral country. If so, the question was not as between two hostile nations, but between a neutral power and either of those hostile nations; that is, not between M. La Fayette, a subject of an hostile power, and the king of Prussia, but between a neutral power and the king of Prussia. The simple question was, could this country consistently take any measure with a sovereign and independent power, by way of interfering in a matter in which we had no participation, and for which we were by no means responsible? Would such an interference be any thing short of setting up ourselves as the guardians of the consciences of foreign states? Was it to be contended, that Great Britain ought to hold such a line of conduct towards all the nations of Europe, that we were to suggest the errors and the crimes that might, or might not, be committed in a nation with which we had no particular connexion? To this extent no man could possibly argue. Upon what principle, then, was this country to adopt an interference? The hon. general had said, that the king of Prussia had replied to a requisition that had been made to him, "that he could not set at liberty those persons without the consent of other powers." In answer to this, he would repeat what on a former occasion he had stated, namely, that this country had no participation in the matter one way or the other; nor did he know upon what authority this declaration was attributed to the king of Prussia. But, even for a moment admitting it to be a fact, it could not bear the construction that had been put upon it, because, at the period that the circumstance of the arrest of those persons took place Great Britain was not a party in the war. Consequently, it did not belong to us to interfere. Another special ground taken was, that La Fayette, and the other gentlemen confined with him, from the principles that they had espoused, and the conduct that they had pursued, were, agreeably to the declaration of his majesty, entitled to his majesty's protection. He begged leave, however, to remind gentlemen, that lord Hood's declaration was addressed to those persons who might be disposed to come as friends, and offer themselves as supporters of the genuine cause of liberty. But was this the case in the present instance? La Fayette, and his companions, did not come as friends. So far from it, without any explanation, the very man who, a few days before was the commander of an hostile army, came into the post of the enemy. There was no analogy in the present case. On the simple ground of the impropriety of an interference so unusual and so extraordinary, he would rest his opposition to the motion.

Mr. *Fox* said, that the chancellor of the exchequer perceiving the difficulty of answering the particular arguments of a speech on which he had justly bestowed the praise of great ability, had deemed it wise to oppose the motion on as general grounds as possible. The speech of his hon. friend had not been more remarkable for ability and eloquence, than for truth and solidity of argument. If ever there existed a man, who in a great and hazardous situation, amidst the conflict of opinions carried on either side to extremes, could claim the merit of having steered a temperate and middle course, uninfluenced by the violence of the moment, and directed by pre-conceived opinions, that man was M. La Fayette. In consequence of the treatment which he and his fellow prisoners had been made to suffer, and the pretext well known to have been alleged for continuing that treatment, namely, that they were the prisoners of the allied powers, not to interfere in their behalf was to suffer this country to be implicated in the odium, and handed down to posterity, as the accomplices of the diabolical cruelty of the Prussian cabinet. If in any point his hon. friend who made the present motion had failed, it was in not painting this cruelty in colours sufficiently strong. How were these unfortunate gentlemen confined? In separate apartments, that they may not enjoy the melancholy consolation of communicating their sorrows to one another—in dungeons sunk under ground, where the only apertures to which they could turn for air, presented to their view

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a court where other prisoners were almost daily suffering the various punishments to which, he would not call it law, but arbitrary will, had condemned them. Yet even this condition was capable of being aggravated. Though debarred from communication with one another, they had some satisfaction in knowing they were all within the walls of the same prison. Two of them were, therefore, left at Magdebourg, and two removed to other places. So severely was this felt, that La Fayette implored it as a boon of the king of Prussia, that Latour Maubourg might remain in the same prison with him; and this boon, small as it was, was denied him. But it was asked, what were we to do in such a case? He maintained that the customs of civilized nations presented no obstacle to our interposition. In the case of sir Charles Asgill, private applications were made from this country to a court with which we were then at war. The good offices of the queen of France were solicited; they were granted, and proved effectual. America, the ally of France, yielded to an interposition in behalf of humanity; and what prevented his majesty from using his good offices with an ally in the cause of humanity also? But if no such instance were to be found, the nature of the war in which we were engaged, and the particular situation in which they were placed might require, and would therefore justify a new mode of proceeding. Had not the king of Prussia declared that M. La Fayette was the prisoner of the powers combined against France, and that he and his friends could not be released but by the general consent of those powers? Did his majesty's ministers not believe that this declaration had been made by the king of Prussia himself and by his ministers, to various persons both publicly and privately? In answer to this it was said, that we were not engaged in the confederacy against France at the time when those unfortunate gentlemen were made prisoners. By this declaration, however, of the king of Prussia, from which we were not excepted, part of the odium was thrown upon us; and there was no way for the combined powers to clear themselves from it but by each of them in particular declaring that they disavowed the whole proceeding. The ministers had, indeed, said that they were not parties to it; but this was not enough, there ought to be an authentic declaration by the king, to which every Englishman might refer, in any part of the world, and clear the character of his country from so foul a reproach. If the national honour demanded this, it was equally called for by policy. We had offered friendship and protection to all the well-disposed French, who should declare in favour of monarchy; and to the people of Toulon we had granted that protection as far as we were able, on condition of their declaring for monarchy, as limited by the constitution of 1789. The chancellor of the exchequer had denied that La Fayette was in the same situation with those to whom friendship and protection had been offered; but, by every fair and candid inference, he most clearly was in that situation. If we had promised, and actually given protection to those who declared for the constitution of 1789, must it not follow in the mind of every man, not a caviller, that the persons who had supported that constitution, at the hazard of all that was dear to them, were to be protected also? If M. La Fayette, instead of being in a Prussian dungeon, had been, like many others, concealed in France, and had come forward on the proclamations at Toulon, to accept of the offers there held out, could we then have refused him protection? If he had even been in a French prison, within the reach of our force at Toulon, and had solicited his release, could we have refused attempting to release him, even at some risk, supposing the attempt to have been consistent with military prudence? In the name of common sense, then, why refuse now to make an easier and safer effort in his favour? All the general reasons alleged against it, admitting them to their full extent, ought to yield to the strong claim of humanity. These reasons must necessarily rest on the general policy with respect to the war; and of that could there be a doubt? Had not the imprisonment of La Fayette and his friends prevented many from joining the standard of royalty which we wished to rear in France? It was improper to mention names; but he knew many, and ministers he was sure must know many more. Without entering into detail, the very reason of the thing must show, that when Frenchmen were balancing in their minds, between declaring for the allies, or joining the ruling party, the fate of La Fayette must decide their choice. Did ministers any longer entertain the hope of conquering

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France, or establishing any form of government in it, but by the assistance of Frenchmen? He knew the professions they held out to Frenchmen, namely, that all who repaired to the standard of monarchy were to be protected, and that monarchy being once re-established, they were to be left to temper it with such modifications as they should think fit. Of all the forms of monarchical government, did they mean to proscribe exclusively that of 1789? If they did, why had they not said so? Why had they given ground for believing the contrary? Frenchmen in this case must suppose, either that our declarations were all as faithless as those of the king of Prussia and the prince of Saxe Cobourg, or that our allies thought differently from us; that all the supporters of limited monarchy were to be proscribed, and the advocates of unlimited monarchy only protected. Was this latter form of government now so popular in France that any considerable party could be formed for it? Ministers knew that wherever they had found the means of communication with the people now remaining in France, the old system of government was an object of abhorrence, and that even after lord Hood was in possession of Toulon, and Louis 17th proclaimed, it was with great difficulty that the people were prevailed upon to lay aside their national cockades, and to substitute the white for the three-coloured flag. The imprisonment of M. La Fayette and his friends was, therefore, injurious to the success of the war in which we were engaged; and, as parties in that war, we had as indisputable a right to advise our allies respecting every thing that tended to promote or impede the common cause, as to consult with them on the conduct and plan of military operations. In this point of view the case of M. La Fayette could not be regarded with indifference, and we were justified on every principle by which the intercourse of independent nations was regulated in the application now proposed.—The mode in which M. La Fayette and his friends were taken was neither more nor less than treachery, and formed, it must be confessed, a very fit prelude to the cruelty they had since experienced. With their attendants they were a company of about forty persons. On neutral territory, they met an Austrian patrole of three or four men, too few to make them prisoners by force. They declared who they were, received an assurance that they should be permitted to continue their journey, and suffered themselves to be conducted to an Austrian post, from which they were transferred to a Prussian dungeon. If it was said that they were taken as prisoners of war, they were all equally prisoners of war, and ought to have been treated as such. Had they been so considered? No; all of them except four had been released, and this not by any distinction founded on military rank, those only being detained who had been members of the National Assembly. The rules of civilized nations allowed their parole to prisoners of war; but the Prussian ministers, feeling the degradation into which they had brought themselves in the eyes of Europe, never pretended that they were prisoners of war, but called them prisoners of state. On what law of nations could the subjects of one independent nation be made prisoners of state by the sovereign of another, for offences committed, or supposed to be committed, in their own country? On no law but the law of tyrants, which contemns all principles, human and divine; law directed only by the will of man, which, when adopted as a rule of action, too surely degenerated into tyranny. The bishop of Liege, on whose territory they were stopped, had, it was said, a right to claim them by the law of nations. They who said so knew that the bishop of Liege, though he had the right, had not the power, and therefore it was so much the more incumbent upon us to interfere.—If any man thought the imprisonment of these unfortunate gentlemen no injury to the common cause of the allies, that it was not a stain on the national character, or that it was likely to gain us converts among the French, he might vote against the motion. Those who considered it to be the reverse of all this, must give it their support. Unless it were said that ministers had already applied to the court of Prussia, or meant to apply, he could see no reason for postponing the motion. The three gentlemen included in the motion with M. La Fayette, had all supported the limited monarchy. Of a man so well known as Alexander Lameth, it was unnecessary to speak; M. Latour Maubourg, on the return of the royal family from Varennes, had so conducted himself towards them as to be mentioned with particular expressions of gratitude; and M. De Pusy was known to be so acceptable to Louis 16th that he was always selected

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as the person to communicate with him on all matters relative to the most proper mode of adjusting the government. The House was now to decide whether or not they approved of the imprisonment of such men. There was one circumstance, which he was aware had hurt M. de La Fayette in the public opinion. He had been accused of having instigated the royal family to escape, of having been privy to their flight, and having afterwards betrayed them, and caused them to be arrested at Varennes. If this circumstance were founded in fact, most certainly no odium could be too great, no obloquy could attach a sufficiently just reprehension for so horrible a piece of duplicity; but the proof of his innocence was so incontrovertible, so positive and direct, that the mention of it must clear him entirely from so foul a calumny. The witness of his innocence was the unfortunate Marie Antoinette, who, when upon her trial, being asked whether Fayette had connived at their escape, had answered positively that he was totally ignorant of it. If ministers had done any thing on the subject, then they would only have to consider whether what was done were rightly done; if they meant to interfere, then it would be proper to wait; but if neither of these was the case, it behoved that House to consider whether they were not called on to consult their own feelings, and endeavour, by an honourable interference, to promote the success of that cause which they professed to support.

Mr. *Burke* said, that as there were no precedents on the books, no circumstance similar to the present, the House ought to be extremely cautious in departing from the policy of their ancestors. They saw before them, within a short space of time, the fall of a great monarchy, the destruction of numbers, and the imprisonment of two hundred thousand persons. He was glad to remark, from what had fallen from some gentlemen in the course of the present debate, that they were now convinced of the danger of those principles of universal but fictitious benevolence which forbad any interference in the affairs of a foreign state, or the conduct of a sovereign independent power. As he, however, had never adopted those principles, he had no difficulty of declaring, that if a proper case of interposition were established, it would be perfectly consistent with the honour and dignity of this country to interpose; but it could not be contended that the case of M. La Fayette was of that complexion, when we had not deemed it requisite so to do for the purpose of preventing the numberless massacres, murders, and revolutions, by which France had been desolated and destroyed. He considered the hon. gentleman who brought forward the motion, as actuated by generous motives: *Tantum infelicem nimium dilexit amicum.* That House would be stepping out of its way to pay attention to such a person as M. La Fayette at a time when so many other objects of pity passed before their view: when Priam was left naked on the shore; when Hecuba was dragged from prison to prison, treated with unparalleled cruelty and baseness, and at length barbarously murdered; when we were to look at the calamitous situations of virtuous and respectable characters, and of matrons, in whose houses we had once been hospitably treated; and, above all, when La Fayette might be considered the origin and the author of all these calamities, he thought that "illustrious exile," as he was called, though, in fact, the outcast of the world, deserved the fate he had met with. Only one example of any such interference had been adduced—the case of the interposition of the late court of France, which was now so frequently denominated despotic and tyrannical, in favour of sir Charles Asgill; an interposition which was chiefly rendered effectual by the exertions of the late unfortunate queen, who, in the exercise of her power, had ever displayed the utmost benevolence and benignity, and whose firmness, intrepidity, and resolution, in meeting her fate, would form an everlasting contrast to the tyranny, cruelty, and baseness of those by whom she was murdered.—Mr. Burke adverted to the state of the prisons in France, and particularly at Paris; and observed that there were upwards of six thousand prisoners, men, women, and children, lying on straw, and perishing for want of the necessaries of life. These unfortunate persons had been guilty of no crime. La Fayette, he contended, was the principal author of all their misfortunes, and of all the misfortunes that had befallen France; and, therefore, however much other gentlemen might pity him, Mr. Burke said, he certainly was not the object of his compassion. Instead of lamenting the condition of that man, he mourned over those crowds of truly illustrious exiles who

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were wandering over Europe, and to support whom the charity of the public was every where taxed; exiles, who, deprived by him, in the first instance, of their titles, were robbed of "that which not enriched him, and left them poor indeed!" While these nobles were in this situation, stripped of that consciousness of rank which was the last consolation of the unfortunate, they were called upon to pass all these over with neglect, and turn their whole attention to citizen Fayette! This extraordinary affectation of sorrow for the lot of one culpable individual was ill placed, ridiculous, and preposterous. It surely was not the business of this country to set up for a general arbiter of the law of nations. Every nation had a right to claim her own citizens; but if she did not do so, no foreign state had a right to interfere and officiously make any such demand. Did France claim him? Yes, as a traitor, whom the rabble that he had been the instrument in elevating to power were desirous of sacrificing. No other nation in Europe claimed him. His conduct in our contest with the Americans we were required to forget; and he was very much disposed to do so: because, if a contrary principle were pursued, wars would be eternal. La Fayette's behaviour, however, in entering as a volunteer into the American service, before any hostility had taken place between this kingdom and France, was not surely of such a nature as to entitle him to any extraordinary favour; and as to his fondness for military glory, what could be said, but that he who wishes to live by the sword, must likewise run the risk of perishing by the sword?—With regard to the right this man had to rebel against his lawful sovereign, he would say nothing, but that the ruin of which he had been the promoter had at length overwhelmed himself; and he trusted that his downfall would be a lesson to mankind, how any of them attempted to overturn the fabric of civilized society, lest they should also become the victims of their own rashness.—The hon. general had admitted, that the constitution of 1789 could not exist, and yet he had praised Fayette for pulling down a building which had remained for fourteen hundred years; and had spoken of the purity of his intentions, when it could not but be recollected, that he had brought back the king and queen from Varennes, had imprisoned them at Paris, and had thus sown the seeds of republicanism which were to ripen to his own destruction. Under these circumstances, lord Malmesbury, at the court of Berlin, seizing upon one of the *mollia tempora fandi*, which as an able negociator, he must be supposed to be well acquainted with, was thus to address the king of Prussia: "Thou dark and sanguinary tyrant! thou diabolical monster! give up M. La Fayette to the king my master, and there is a subsidy to you by way of ransom for so doing." But if he should refuse to do so, we must console ourselves with reflecting, that while, in one city in the halcyon land of liberty, six thousand prisoners are confined, it required all the tyrants in Europe to club their power together to make out four prisoners. Kings, indeed, ought to be cautious how they let such birds out of their cages. Louis 16th had let Fayette fly to America, and he had returned and imprisoned the master who had given him his liberty. It might be our interest, not only to forgive injuries, but to bestow favours; but with this individual we had done; and as we showed no enmity, as little were we obliged to bestow any friendship. M. La Fayette never supported royalty. He was the first who led an army of sans culottes against that king who had released him from a prison, and sent him to America to command his armies. Not a man in France would join in the cause for releasing him now. He was not graceful to any party. He would not have been received, even had he been sent to Toulon. The Toulonese had no idea of the constitution of 1789; they consisted of many descriptions of persons, some royalists, some republicans, and others who had no idea of a government at all. It was absurd, then, to say that these persons, inhabiting a sea-port town, with no respectability, and dreading a guillotine, which they had been expecting every day, could be supposed capable of settling the constitution of France. It might as well be said, that the bawdy-houses on the Point at Portsmouth were capable of forming a constitution and government for England. It was wise, then, to leave matters as they stood when lord Hood went there, and let the king of France, after he should be established, settle the constitution. The Toulonese did not at that time demand Fayette, but they demanded Monsieur, the brother of the king, as regent. England had done La Fayette no injury, and was not obliged to do him any service, but to leave him

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where he was. Like another Samson he had pulled down the great fabric which protected him, but had not strength to raise it up again; and that circumstance, he trusted, would serve as a lesson to all persons in future, who should attempt to rebel against their lawful sovereign. That which he had raised up in the room of the fabric he had levelled, was pregnant with the seeds of republicanism and ruin. And this was the man now to be released! The present was the most extraordinary application he had ever heard made. It was made in behalf of the author of numerous horrors, which seemed to be a summary of all that had ever taken place before in the world. And of all those horrors, there was no circumstance of barbarity—excepting the murder of the king and queen—more atrocious than the massacre of M. Foulon and Berthier. The Abbé Foulon, son to that person, was now in London, and he often declared his anguish in these words: "I will be revenged of La Fayette; it was he that had my father murdered; it was he who tore out, and devoured his heart." I would not (concluded Mr. Burke) debauch my humanity by supporting an application like the present, in behalf of such a horrid ruffian.

Mr. *Grey* said, he did not intend to follow the right hon. gentleman through the desultory track of argument which he had pursued. He had accused La Fayette of the most atrocious acts of deliberate cruelty, but they remained unsupported by proof, and rested simply on assertion. The only thing resembling a proof was, that La Fayette had not done all in his power to suppress the tumults of an infuriated mob. He would ask, was that a sufficient reason to accuse him of all the acts of violence committed by them? But it did appear, that La Fayette strove all in his power to quell their tumultuous violence, and that he rescued, at imminent hazard, several persons from their hands, who otherwise would have fallen victims to the fury of a maddened populace. Considering the state of Paris at that time, was it wonderful he should not be able to suppress the riotous conduct of the Parisians? He begged to call to mind what had passed but a few years since in London; where in the midst of a well-ordered government, it was found impossible to still the wild uproar of the multitude. Yet no one attributed the excesses committed by them to the commander of the troops, or to the ministers of the country. In answer to the question, what should we gain by a release of La Fayette? He would reply, that we should exculpate ourselves from the suspicion of being accomplices in the foulest act that ever disgraced humanity.

Mr. *R. Thornton* thought it was for the honour and the interest of the nation, that we should interpose for La Fayette's release; and he knew of no better mode of doing it than that now proposed.

Mr. *W. Smith* was against our interfering with the internal government of France. We were actually falling into this error by suffering La Fayette to be punished for the part which he had taken in the revolution. It gave him deep concern to find, that in the lapse of five years, nothing had occurred in a country struggling for its freedom, that could induce the nation, the most free in the world, to interfere in its behalf. Had that been the case, probably those crimes which had been imputed to the French never would have been perpetrated.

Mr. *Ryder* said, that when gentlemen held up La Fayette as a great character, they did so either to conciliate the favour of the House, or to express approbation of that system which La Fayette had supported. Although we promised protection to those who declared for the constitution of 1789, in order to obtain allies, it did not follow that we were bound to protect the authors of that constitution; he should therefore vote against the motion.

The *Solicitor-General* said, that if we interposed in this instance, we must interpose by the same rule in every instance, where the conduct of other powers was inconsistent with humanity.

Mr. *J. S. Cocks* said, he could not suffer Mr. Smith's expression of sorrow, that our government had found nothing to approve in the beginning or progress of a system, which had for its object the destruction of all comfort and public liberty, and which attempted also to deprive its wretched victims of the hopes of futurity, to pass unnoticed. La Fayette's cruelty was manifest, from his continuing to act under such a system.

Mr. *Fox* said, he had seen many emigrants who were at Paris when Foulon and Berthier were murdered: their concurring testimony was, that La Fayette did all he could to prevent it; and they alleged as a reason for abandoning their country, that he was not able to prevent such dreadful outrages.

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Mr. *Jenkinson* said, he was at Paris at the period alluded to, and the general impression was, that although La Fayette was not accessary to the murders of Foulon and Berthier, he had not done all he might have done to prevent them.

Mr. *Burke* said, he had the authority of the Abbé Foulon, for charging La Fayette with the murder of his father and M. Berthier; and this authority was corroborated by various other well-authenticated proofs.

Mr. *Martin* was glad of this opportunity of demonstrating his abhorrence of the confinement of this unfortunate gentleman.

Mr. *Hilcy Addington* said, that the motion, if agreed to, would go to charge the executive power of another nation with cruelty, and would probably risk the loss of an ally. We were not bound to instruct other states in the law of nations. He could not concur in the panegyric on La Fayette, who had been the first to publish, that insurrection was the most sacred of duties, and had reduced the power of his sovereign to a mere shadow. He would never give a vote that tended to throw discredit on the war, on the success of which our all was at stake.

Mr. *Courtenay* said, that the motion, far from displeasing the king of Prussia, would be received by him as a favour. He had disclaimed the imprisonment of La Fayette; he was only a sort of royal gaoler, to keep him in safe custody for the allied powers, and would be happy to have the charge taken off his hands. As well might all the atrocities of the civil war be charged upon Hampden and his illustrious associate, as the atrocities committed in France, upon La Fayette. We had houses burnt and lives threatened in 1780, when lord Amherst was commander in chief, but nobody had ever charged him as accessary to the outrages of the mob, because he could not prevent them. La Fayette too was charged with a crime, of which the late queen of France had acquitted him. Every possible imputation had been raked together, in order to steel the hearts of the House against a man in a dungeon at Magdebourg. In their eagerness to support the war, some gentlemen seemed to fear nothing but the mention of liberty, while despots might, for any thing they cared, carry anarchy through the world. Much idle declamation had been used with respect to the atrocities committed at Paris, while not a single cruelty committed by the royal anarchists was mentioned. He did not conceive why the "Lords anointed" should have a patent for fomenting anarchy and confusion. Popular commotion was like a tempest, violent, but of short duration. He thought that a popular ferment was necessary at times, to clear the political atmosphere; and would rather suffer all the troubles attendant on the tempest of democracy, than breathe for a moment the pestilential air of regal despotism.

Mr. *Whitbread* approved of the motion, and thought that the conduct of the king of Prussia towards La Fayette would rouse the indignation of every manly breast.

The House divided:

		Tellers.
Yeas	General Fitzpatrick, Colonel Tarleton: -	46.
Noes	Mr. Jenkinson, - - - Mr. John Smyth. - -	153.

So it passed in the negative.

Debate on Mr. Adam's Motion respecting the Criminal Law of Scotland.] March 25. Mr. *Adam* said, he rose to call the attention of the House for the third time, to a subject upon which nothing but a deep sense of its great importance should have induced him again to trouble them. He thought it necessary to remind gentlemen of his having given notice in the last session, that he meant early in the present to bring the matter before the House, because that notice was a proof that he was not influenced by subsequent events; although those events had tended much to confirm his former impressions. His original intention was, to move for leave to bring in a bill to Amend the Criminal Law of Scotland in certain cases specified, and to refer the motion to a committee of courts of justice. He meant now to propose that the matters specified in his motion should be referred to a select committee above stairs, reported upon to the House, and the report referred to a committee of courts of justice, as the basis of a bill to reform and amend, if approved of by that committee. The several heads to be thus considered were, leasing-making according to the Scots law, the nature of the crime, and the extent of the punishment—sedition, its nature and punishment—the propriety of giving an appeal from the Scots criminal

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courts, not with a view to impeach former judgments, but to inquire how far there might be fit ground for the interference of the legislature to grant such appeal in future – the expediency of granting a new trial, when error appeared upon the record, not in matter of law, but in matter of fact, such, for instance, as refusing to the defendant the benefit of a witness's testimony on the allegation of incompetence, when that allegation was not well founded—in what manner petty juries were returned, and what right of challenge was allowed to the prisoner—the powers of the lord advocate in instituting criminal prosecutions, and the expediency of granting to the subject in Scotland, the protection of a grand jury. To these he should add the power of the criminal courts to punish contempts, and of inferior courts to try criminal cases, and punish without the intervention of a jury. —With the last of these, as being perhaps new to the House, he should begin. Strange as it might seem, it had been held that sheriff's courts, and courts of justices of peace, might try without a jury, even for capital offences. In other criminal cases, such courts had actually so tried, and sentenced sometimes to fines, sometimes to corporal punishments; and when their proceedings were brought before the court of justiciary, by a bill of advocation, the decision upon them was not such as to make it clear in point of law that these inferior courts had no such jurisdiction. In 1770, one Piscatore was tried in this manner by the sheriff's court, and sentenced to punishment: the superior court decided that the sheriff's court had not jurisdiction in the case; on which Maclaurin, the reporter, observes—"This decision was much applauded; and it is to be hoped will put an end to such trials, except where they are authorized by special statutes, of which there are too many on the books." From these expressions of a very learned lawyer, it was clear, that he did not think the decision of the superior court sufficient to remove all future doubts upon the subject; and the jurisdiction itself was one that he was sure he should not have defended on its own proper merits. A gentleman of the name of Dunn had been lately punished for contempt of court, on a charge of spoliation, in tearing out some leaves from a book intended to be adduced as evidence on some future trial. He was ready to admit, that every court ought to possess the power of punishing for contempt, when the contempt arose out of any case pending before the court; but not of punishing as a contempt an act done at a time, when nothing to which that act had relation was under their cognizance. The act of spoliation alleged against Mr. Dunn, was committed before the case, on which the book from which the leaves were torn was to be produced as evidence, came before the court, and even before the precognition, on which the libel or indictment was to be founded had been taken before the sheriff. He was not informed whether or not Mr. Dunn objected to the jurisdiction of the court; but for this act he was ready to prove that Mr. Dunn had been imprisoned as for a contempt, which was an extension of jurisdiction, by the court, which was fit to be inquired into. In England no man could be put upon his trial till a bill had been found against him by the grand jury, except in cases of information by the king's attorney-general; and the seldomer the attorney-general had recourse to this mode of proceeding, the more commendable the practice. In Scotland all the functions exercised by grand juries here, were vested in the lord advocate. After a precognition taken before the sheriff or a justice of peace, the information, or a copy of it, was transmitted to the lord advocate, and with him it rested to decide whether or not it contained sufficient grounds for putting the party upon his trial. He did not exactly know how these precognitions were taken—whether or not they were taken with shut doors; whether or not the party accused was always placed in such a situation as to feel himself a free agent, and all the necessary forms were observed, to afford him that protection to which he was entitled—but this he knew, that there was nothing in the Scotch law to compel the taking of precognitions in such a way as to secure to him these advantages. A provision was made by law, that when the charge came before a jury, the witness should be told that the precognition was destroyed, and could not be produced against him, as an inducement to speak the truth to the jury, whatever he might have said before. This was evidently the intention, but he feared the effect did not always correspond; and therefore he thought the mode of instituting criminal prosecutions, a fit matter of parliamentary inquiry. He knew the difficulties that might be opposed to the in-

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troduction of grand juries into the Scotch criminal law. Professional men were naturally attached to the habits in which they had been educated, and it might, perhaps, be said that the people themselves would be unwilling to be called to serve on grand juries. But if the thing proposed was good in itself, this was no argument against it. Whoever had any knowledge of the people of Scotland, knew that there could be no want of men among them well qualified to serve on grand juries, and there was no reason why such men should be excused from doing their duty to the public. No establishment in the criminal law of England was more beneficial to the rights and security of the subject than that of grand juries. The introduction of it into the Scots criminal law would relieve the Lord advocate from a very arduous and ungracious task, and afford the people a security against the hardships and expence of being brought to trial without sufficient cause. It would be a very important privilege in another point of view, for at present all prosecutions, whoever might be the prosecutor, proceeded in the name, or with the concurrence, of his majesty's advocate: nothing was more difficult than to obtain redress for a malicious prosecution. No institution was better calculated for forming the character of a people. By attending on grand juries they became acquainted with the jurisprudence of their country, and acquired a superior degree of acuteness in discussing all the principles, without the knowledge of which no people could long be free. The introduction of it into Scotland would therefore be a political, as well as a judicial benefit.—The present mode of constituting petty juries was this: for the shire of Edinburgh, forty-five names were returned by the sheriff to the clerk of justiciary at Edinburgh; and these names must be printed along with the libel, or indictment. In all the rest of Scotland, forty-five names were returned by each of three shires forming a circuit; and the whole list was reduced to forty-five by the clerk of justiciary. But instead of the first fifteen that answered to their names, being sworn and passed upon the jury, the names were called at pleasure, which amounted to a power of selecting any fifteen out of the forty-five. This was peculiarly improper in cases of misdemeanor. In England, misdemeanors might be tried before the justices at quarter sessions; but much the greater part of them were tried at *nisi prius*, and there the jury was taken by ballot, as directed by the act of George 2d, an excellent regulation, which might be adopted as the mode of taking the jury, because the law of Scotland allowed no challenge but for cause. If in England, any communication were proved between the agents for the prosecution and the jury, the whole array might be set aside; but it was not so in Scotland.—On competency of evidence, to prove the having been accessary to any fact charged as criminal, the act of parliament clearly said, that the crime was to be distinctly charged in the indictment; and therefore he must contend that no evidence ought to be admitted beyond this in point of time or place. The distinction between the competency and the credibility of a witness was well understood in Scotland; and if the witness was competent and willing to answer, his testimony must go to the jury, however he might prevaricate, because prevarication affected his credibility only, and of that the jury were the proper judges. But although this was the law, it was not the practice of the Scotch criminal courts, and therefore the practice ought to be amended. If the testimony of every competent witness did not go to the jury, if the Court were to decide what witnesses were fit to be believed and what not, the trial by jury would be a mockery. The practice of English courts was, that a witness, although he might prevaricate, must be heard, and truth had often been drawn from such a witness, to the satisfaction both of court and jury.—On the subject of granting a new trial, he had understood the lord advocate to say, that a new trial could not be granted in Scotland on any ground, and that after verdict the prisoner could have recourse only to the mercy of the sovereign. The rule in England was, that if evidence was rejected on the trial which ought to have been admitted, or evidence admitted that ought to have been rejected, a new trial must be granted if the verdict was for the crown, but not if it was for the subject. The reason was obvious as it was humane. The competency of evidence was matter of law for the decision of the judge. In deciding upon it, judges might err; and the subject was not to suffer by the error of the judge if found guilty, nor to be harassed with repeated trials if acquitted.—On the subject of there being no arrest of

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judgment allowed, or appeal to the lords in parliament, he should only say at present, that in this instance, and this only, the Scotch law was contrary to the whole tenour and practice of the English law. He had moved for correcting this anomaly before; but he was perfectly within the rules of the House in now proposing it as an object of inquiry. The next subject had been already much discussed. He should premise what he had to say upon it, with observing that a grand jury had existed in Scotland for cases of high treason, since the beginning of this century. What applied to treason was equally applicable to other offences, more especially to sedition. On sedition and leasing-making, as coupled and confounded, the doctrines he had lately heard were most extraordinary and alarming. It had been maintained, that the charge might be laid generally, and the punishment be arbitrary, to any extent short of death. This authority was said by those who asserted it, to be inherent in the court. If so, the court possessed a power no less formidable and inconsistent with liberty, than that possessed formerly by the privy council in Scotland, or the star chamber in England. It was a power defined by no law, governed by no precedent, but left to the temper, character, or caprice of those who exercised it. It was a very true saying, that "misera est illa servitus ubi jus vagum et incertum."—The other part related to leasing-making, as distinct from sedition. By all the inquiries he had made since the former discussion, he was more and more confirmed of the validity of the distinction he had then affirmed to exist between banishment and transportation. Every author who had given a definition of banishment, from Cicero to Puffendorff, Grotius and Vattel, defined it to be a simple removal from the society to which a man formerly belonged, not transportation beyond seas, or to any particular spot. Those who maintained the contrary opinion said, that the contemporaneous definition of the word, as it appeared in the act of parliament, was the definition to be preferred. He denied that there was any instance of transportation applied to leasing-making. The bankrupt act of 1696 gave jurisdiction, not to the court of justiciary, but to the court of session. The act of 1703, respecting leasing-making, said the offence might be punished by fine, imprisonment, or banishment. The act of 1696 said, fraudulent bankrupts might be subjected to any punishment short of death. The first instance of transportation under the act of 1696, was in 1744, which could not be called a contemporaneous definition of the word banishment in another act; but was evidently the error of judges who had been used to confound transportation and banishment. In this they did not found their judgment on any act of parliament, but on a function of an unlimited and undefined nature, called their *nobile officium*—a function which the court of session sometimes assumed, but which was never supposed to belong to the court of justiciary. The next case relied upon as an exposition of the act of 1703 was that of Mr. Bailie, tried before the Scots privy council in 1704. If the House would agree to the committee, he would pledge himself to prove that no such case was to be found in the records of the court of justiciary. An investigation of the Scotch criminal law had been going on for eighteen months, previous to framing the late indictments: and yet, after so much research, this case had never been thought of, at least never produced till after the trials. How came it to be overlooked, but because it was held inapplicable? How came it to be brought forward, but because every sort of defence was felt to be necessary? Let gentlemen mark the numerous and strong distinctions that separated this case from every other. The trial was before the privy council, of which the lord advocate was a member. He was consequently both a prosecutor and a judge. There was no jury to decide on the facts. The libel charged Mr. Bailie with an offence against a great officer of state with leasing-making, with the heinous crime of charging one man with having accused another of high treason, &c. and concluded, that his guilt ought to incur the pains of law, at least all the pains of the act of 1703. Hence it was clear that the privy council did not think themselves restricted by the act of 1703; and in fact their sentence did not commute banishment for transportation, but added other penalties not mentioned in that act. Previous to his trial, Mr. Bailie was not admitted to bail, though a gentleman of great property and connexions very able to find bail, which showed that they did not consider his offence as bailable. In their sentence they pronounced, "that the said David Bailie be infamous; that he be banished forth of

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Scotland for ever; that he be transported to the West Indies; and that previous to transportation he be set on the pillory." There were two things in the sentence, infamy and the pillory, neither of which were mentioned in the act of 1703. In every point of view, therefore, it would be absurd to rely on this as a case to expound the meaning of that act. By former statutes it was made highly penal to bring a false charge against a member of the Scotch privy council, and on these they probably acted in the case of Mr. Baillie. To say nothing of the nature of the court of the Scotch privy council, citing this case for the first time, ninety years after it occurred, was sufficient to show that the criminal law of Scotland stood not on proper grounds. Why the Scotch privy council was abolished soon after the Union, might be seen in Defoe's history of that event. There it appeared that it was abolished, because it arrogated powers which no man who regarded liberty could endure; and from this court, which was odious and detestable to the last hour of its existence, was a precedent to be taken and converted into law?—He had now only to state that, if it were possible, he should wish to substitute the whole of the English for the Scotch criminal law. Sure, however, he was, that they might be assimilated as far as respected state crimes, without violating either the spirit or the letter of the union, and without injury to the subject. The treason laws had been assimilated, and why not the rest? It was preposterous for men living under the same allegiance not to be bound by the same law. To show that what he proposed was clearly within the power of parliament, it was only necessary to mention the 18th and 19th articles of the union, and the abolition of the heritable jurisdictions. He had lately been present at a trial where a man, convicted of a conspiracy, with intent to excite sedition, was sentenced to twelve months imprisonment. Nothing could be more absurd than that men, because they happened to live at one end of the Island should be punished with fourteen years transportation for offences which, if they had lived at the other, would have incurred only one year's imprisonment. He concluded with moving "That a Committee be appointed to take into consideration so much of the Criminal Law of Scotland as relates to the crime of Leasing-making; the crime of Sedition: the right of Appeal from the supreme criminal courts in Scotland; the right of convicted persons to a new trial; the law as it regards the competency and credibility of witnesses, particularly in answering the preliminary questions; the law respecting the admissibility of evidence under the allegation of art and part; the mode of returning and choosing the common jury; the legal grounds of objection to jurymen; the power of the lord advocate as public prosecutor; the propriety of introducing a grand jury for the purpose of finding bills of indictment, and making presentments in criminal cases; the power of the court in punishing contempts of court; the power of the sheriffs, and other magistrates, in taking precognitions, or informations for the commitment and trial of persons accused; the power of courts of inferior jurisdiction in criminal matters to try crimes without the intervention of a jury; and to report the same, with their opinion thereupon, to the House."

Mr. Secretary *Dundas* conceived it his duty to enter his solemn protest, as a representative of the people of Scotland, against any alteration taking place in the jurisprudence of that country; nor could he agree to destroy, at one blow, all those rules and modes of procedure which were expressly reserved by the articles of union. The learned gentleman very naturally, from his habits and avocations, might be partial to the laws of this country, and thinking thus well of them, might as naturally wish to communicate the supposed benefits of them as extensively as possible, but he begged to assure him, that such an attempt would be completely opposite to the wishes of the people of Scotland. The English nation approved their laws, and the Scots were equally attached to theirs: and the learned gentleman, if he were to propose such an alteration in Scotland, would be convinced of that attachment, by the necessity he would find of making his escape out of the kingdom. But, independent of the general objection he had to any alteration taking place, he conceived that the learned gentleman had urged no single argument to induce him to alter his sentiments; he had urged the alteration of one part, because it was better conducted in England; the adoption of another because it was so in England; and the rejection of other parts because they were not to be found in England. He admitted that there sub-

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sisted many variations between the English and the Scotch laws, some of which he might think, in common with the learned gentleman, were preferable in the former than the latter country; such, for instance, that in the one positive punishments were in general affixed to positive crimes, while among the Scots a greater latitude and discretion was indulged their judges; but he affirmed that this very circumstance it was that attached that people to their laws; and he was bold to say, that there would be found fewer crimes to exist among them, than in any other country in Europe, and that justice was administered among them with a degree of lenity and moderation, owing to this very discretionary power, not elsewhere to be paralleled; it would therefore neither be wise nor prudent to alarm them with the apprehension of change, which the adoption of the proposed committee would inevitably do. Looking at the proposed transfer of the criminal code of this country into Scotland, he would ask, What would be the natural consequence? The addition of the long train of capital punishments with which our criminal law is reproached, and for which he conceived the Scots would be little obliged to us. From the high official situation which he had so long filled in that country, he might be supposed to be well acquainted with the course of criminal justice there; from the situation likewise which chance had thrown him into in this country, particularly for the two last years, he had opportunities of observing the progress of the criminal laws here, and both convinced him of the error of suffering ourselves to be influenced in any decision by the rhetoric rather than the practical part of the laws. For instance, the last report made by the recorder to his majesty, of capital convicts, consisted of no less than thirteen; of these, twelve received the royal mercy, and only one fell a victim to the offended laws of the country. Inform the Scots of the number condemned to die under the English system, and would they, can it be supposed, be obliged to us for an extension of laws to which so many appear to fall a sacrifice? Suppose we were to substitute the law of England for that of Scotland, and tell a Scotchman he must suffer death if he steals a piece of cheese; he would stare and say, "A piece of cheese?" "Yes; because the window out of which you stole it was shut." This he believed would astonish a Scotchman, and he would not thank the gentleman who gave him such a law; and yet this was the law of England. But this was only a seeming hardship by the law of England; for in point of fact this was not enforced to its full extent. The learned gentleman talked as if discretion, as lodged in the hands of judges, was confined solely to Scotland; but did he forget to what extent this power is possessed by the judges of this part of the island, who in their several circuits were the only organs through which the voice of mercy could be heard? It was true, that the exercise of that royal prerogative, the dispensation of mercy, was in a great degree guided by the secretary of state; but he again naturally pinned his faith upon the report of the several judges, before whom the various criminals had been tried. Thus it appeared, that discretion existed equally in both countries, and varied only in the modes of its exercise. It was upon these general grounds that he rested his opposition to the motion. The learned gentleman had quoted as a precedent for his present motion, the adoption into Scotland of the laws of this country respecting treason; but there was a vast difference between the two cases; that measure originated in the House of Lords, where they had the assistance of the judges, where great deliberation was had, and on which the approbation of the people of Scotland was first obtained. He had also alluded to the want of grand juries, as in this country. It was very true, that in Scotland they had no such institution; but in lieu thereof, they possessed a mode, by which substantial justice was administered. In every country there was an officer, called the sheriff-depute, who was chosen out of the body of advocates. When any offence took place in his county, it was the duty of this officer to repair to the spot, and with the assistance of the procurate fiscal of the place, to take depositions of all the circumstances attending the transaction; these were afterwards transmitted to the lord advocate, who, as the general prosecutor for the crown, determined whether it was such a case as required to be farther prosecuted. Now, he called upon any gentleman to state a single instance, in which that officer had prostituted the trust reposed in him. It was surprising that the attention of gentlemen opposite had never before been called to the number of unfortunate persons who had suf-

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fered in consequence of criminal prosecutions. Many a poor convict had gone away in former years, who perhaps had many a grievous tale to tell—had a numerous family to support, and whose crime was no more than what necessity and want forced him to commit. But when a set of patriots went forth in open defiance of the laws of the country, which they were endeavouring to overturn, these soon found advocates in that House! The measures so much complained of by gentlemen opposite were not a tenth of what the policy of the country required. It was the general felicity of that country that few crimes were committed there, and that these were punished with lenity. The learned gentleman said, it was strange that those who lived under the same king, &c. should not have the same political morality; but he might as well have said that they should have the same religious morality, and therefore make an attempt to take away Presbytery from the people of Scotland. He did not know any thing of a trial for a conspiracy, which the learned gentleman alluded to; but when he saw the numberless seditious writings which were daily circulated at a great expense, not by any individual, in a sudden fit of political phrenzy, but by a large body called the London Corresponding Society, who conducted their measures according to a premeditated, regular, and systematic plan—when he saw these writings dispersed into every part of the town and country, thrown into holes and corners, dropped into cellars, and left on commons (for he himself had found one on Wimbledon Common) —when he beheld these dangerous proceedings, he was of opinion, that the punishment for misdemeanor at present was insufficient; and that, in order to punish the culprits effectually, it would be absolutely necessary to alter the present laws. That opinion he took the present opportunity to state, because it had been said that he dared not attempt to propose any alteration in the laws now existing against libels and misdemeanors.

Mr. Serjeant *Adair* said, that the right hon. secretary had taken two grounds of opposition to the motion. The first of these was, that it was contrary to the articles of the union; the other was levelled not so much at the motion itself, as against a supposed opinion, that it would be for the benefit of Scotland to assimilate all the laws of that country to those of this. Now, for his part, he looked upon the motion to have a direct contrary tendency; for it was for a committee to consider whether any objections did exist in the laws of Scotland, and if such should be found to exist, then to propose what remedies should be applied. For his part, he was ready to say, that with respect to the mode of administering the criminal laws of this country, it was the most admirable that could be devised by the wisdom of man. But with respect to the scale of crimes and punishments themselves, he confessed he was not so ready to give them his praise, nor to extend them to Scotland. But the mode of proceeding in criminal cases, he thought, might with advantage be adopted. His learned friend had not offered to adopt any step of himself; but had proposed to inquire into the subject, in a committee. He agreed with the right hon. secretary in reprobating the licentiousness of certain publications, and the necessity of repressing them; but he could not see the necessity of increasing the severity of the law, already, according to his own account, teeming with sanguinary severity. From what came out during the late discussions, the crimes of sedition and leasing-making were similar to what we called libel against the state. Before those debates, he had not made up his mind as to the propriety of certain recent punishments inflicted for those crimes. Perhaps, in strict letter of law, they were to be justified; but if they were, that was the strongest reason for the present motion, because they proved the necessity of inquiry. How, then, could he concur in adopting the increased severity in our English law, proposed by the right hon. secretary, when he condemned its existence in Scotland? He had stated that the judges were armed with the discretionary power of inflicting the various punishments of fine, pillory, and imprisonment. Was not this enough to satisfy the most vindictive spirit? Or could we agree to a farther extension of punishments with any attention to that principle of our penal statutes, that we should avoid extreme punishments? By the law, as it now stood, there existed no discretionary power to inflict transportation for misdemeanor; and it would be well worth while to consider, that while libel was certainly a crime, the punishment of it was liable to abuse. Whether, then, transportation should be added to the present list of pu-

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nishments, was the only consideration called for. Suppose an inclination in any administration to stretch the laws to their utmost bent, and to construe all opposition to their measures into the crime of libel, was it impossible that judges might be found to support them? As long as imprisonment was the punishment, the victim was, as it were, before our eyes; he was in the situation to excite pity, and to receive the extension of royal mercy. But if administration could send away all who were obnoxious to them, the individual was removed without the smallest chance for any redress or mitigation of his sentence, however severe, and the door of mercy was completely barred against him. For his part, it was hard to state a case short of treason deserving of such severity.—Another argument against the principle proposed by the right hon. secretary was—by the law, juries are constituted judges of the whole case as it comes before them; and it was well known how unwilling they were to convict as matters now stood; it was then worth while to consider, whether that disinclination to expose men to the severities of the law might not be rendered still stronger, if those severities were to be so unnecessarily extended beyond the bounds of humanity or prudence. As to the existence of a power to try for what were termed lesser offences, without jury, and where the punishments were very severe, he had found a case which put the fact out of all doubt. It was a case so late as 1788: the procurator fiscal against Young and Wemyss. This was an appeal from the sheriff's court to the court of justiciary, against a conviction upon the ground of excessive punishment. Upon this occasion, the judges of the superior court, although upon some other grounds, thought fit to reverse the judgment, and were unanimous in declaring, that it was competent to try for lesser offences without a jury, and to inflict arbitrary punishment upon conviction. If, then, this be the law of that country, will any man say, that no inquiry shall take place? Or will members quietly look on, and see one-third of the kingdom deprived of the trial by jury? Another point that determined him in favour of the motion was, the acknowledgment that there existed no such thing as the benefit of a grand jury in Scotland. For his part until he heard it that night, he could not have believed that such power could have been lodged in the hands of the lord advocate. It was true, that something like it was known in this country, when his majesty's attorney-general could *virtute officii* put any man on his trial by filing an information. This was a power which ought to be very sparingly exercised; but in the person of the lord advocate there was not only this power of prosecuting, but the still more dangerous one of stopping any prosecution at his own mere discretion. He conceived he had but barely to state this to an English ear, to excite their condemnation of such powers being lodged in any individual. Another consideration which weighed strongly with him, was the construction of petty juries in Scotland. He understood that out of 45 returned in the first instance, 15 were chosen to try the cause, not taken, as we do, in regular order, but picked and chosen as the prosecutors thought proper to select, and who were to try the cause, unless challenged, upon sufficient cause shown against them. Now he would venture to affirm, that a jury so chosen in this country, would be considered as neither more nor less than a packed jury. For so sensible were we of the difficulty of being able to show just cause of objection, though such might exist, and yet so conscious were we that a jury should be influenced, that we allowed the liberty of challenging a certain number, according to the crime imputed, peremptorily, and without being obliged to assign any reason whatever. The last ground upon which he defended the motion was, the necessity there existed of allowing writs of error in criminal cases from the courts of Scotland, as well as the courts in this country, in order that their proceedings might be capable of being reviewed, and any errors they might chance to fall into, be corrected. One thing he thought his learned friend was wrong in, which was, his not relying more strongly on the articles of the union, as completely proving both in letter and spirit, the propriety of assimilating, as far as possible, the laws of the two countries. Upon all these grounds he should give his hearty support to the motion.

The *Master of the Rolls* said, he agreed in many things with what had been advanced by his learned friend, and should be glad to grant to the people of Scotland some of the best parts of the criminal law of England, if he was sure they wished to have it; but he conceived they

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had sufficiently shown, by the Act of Union, that they preferred the law of Scotland to that of England. He thought no advantage whatever would accrue from granting a writ of error or a new trial, and that the only consequence would be to decide on the legality of the sentences, without considering whether proper evidence had been rejected at the trial, or improper evidence admitted, or whether there had been any mistakes in point of law. None of these evils could be remedied by a writ of error, and therefore, instead of considering these as our great palladium, he considered the superintending power of parliament, together with the conduct of the judges, who, when they had any doubt about a conviction consulted their fellow judges, as the best security for the lives and liberties of the people. Any doubtful criminal case was referred to the twelve judges, but that was not at all in the nature of a writ of error. He thought the grand jury of England an institution superior to what prevailed in Scotland: but the paucity of crimes in that country was such as might easily come under the inspection of the lord advocate which would be impossible in England. As he saw no necessity for this sweeping committee, who were to inquire into more than twelve articles of the criminal law of Scotland, for the purpose of assimilating them to the law of England, he should give his negative to the motion.

The *Lord Advocate* said, he felt it his duty not to allow the House to be deluded by any impression which the learned serjeant's speech might have made. The learned serjeant seemed to be totally misinformed respecting the Scotch law. Before he stated what the Scotch law should have been, he ought to have stated what it actually was. He denied that the lord advocate had any such powers as the learned gentleman had stated; if so, and the possession of these powers could be productive of such dangerous consequences, would it have been left unnoticed till the year 1794? The question, as far as it had been argued, went on two points only; first, the formation of juries, and then, the power of the lord advocate. He stated that the constables and other inferior officers made a return annually to the principal magistrate at Edinburgh, of such persons as were to serve as jurymen, which amounted to the number of several hundreds; then the clerk of the court struck from among those forty-five, who were to be on the assize for the trial; this was done without any communication between the clerk and the court of justiciary, and without any communication with the lord advocate, who was the prosecutor; so it became nothing more than the mere official duty of the clerk, as matter of course. This list of forty-five was brought to the lord advocate, and with a list of the witnesses to be brought forward on the trial, was added to the libel (i. e. indictment), and given to the person to be tried, fifteen days before the trial came on; which, considering the forty-five to consist of persons living and known in the neighbourhood, was sufficient time for the panel to make every objection that might appear to him to be necessary. When this list came into the court, the lord advocate had nothing more to do with it: the judge then interfered by a very proper discretionary power that he possessed, and named the jury that were to try the cause: after naming the first five, the panel was asked if he had any objections, and if he answered in the negative, the fifteen were made out in the same manner: if any objections were stated, the court judged upon the validity of them *instanter*, but there was no practice in that court that gave the panel a right to make frivolous objections, or to challenge the jury or witnesses without cause. In the circuits the practice differed very little; the return was made from the different counties of forty-five each, but the proper officer of the court, unwilling to call so many from their homes, at considerable distances, struck forty-five from the whole, and from these the court chose fifteen to be the jury.—On the next point, the power of the lord advocate, he denied that it went farther than was necessary. He had no power but as public prosecutor, to bring on any trial at the public expense; he had, to be sure, the power of judging from the precognition laid before him, whether the trial ought to be brought forward in that way or not, but he had no power of preventing prosecutions from taking place when any private individual suffered in his interest, or was substantially wronged, farther than to decline prosecution at the public expense; for if that individual called upon him to prosecute for the murder of a relation, or any other crime, he was bound to give in Scotland his concurrence, and the libel ran on in

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his name. The law of Scotland happily did not admit of popular accusation. He had heard it argued, that the treaty of union held out an invitation to parliament to alter the criminal law of Scotland when it might seem expedient; but he contended strongly, that there was no power by any construction of that act, to alter in any way the criminal law of that country. He thought the hon. gentleman, who was himself a Scotchman, had no right to have brought forward the motion in the manner he had done, nor could he suppose that the hon. gentleman could feel much satisfaction from doing what certainly was not wished for in that country. As to the learned sergeant, his arguments had proceeded altogether from misinformation. On the point of altering the Scotch law, in criminal cases, at the Union, there was scarcely a struggle; for the English members, though much greater in number, were so satisfied of the justice of that article in the treaty, that they acquiesced in it; and this he considered to be the first attempt that had been made since that time to set aside the criminal law of Scotland altogether, and to assimilate to the English system the laws of a country as independent as England itself. It had been urged, that alterations were made in the criminal law of Scotland with regard to treason since the Union, but it ought to be recollected, that the act of 1708 was made by an express recommendation from the throne—a sanction which the present attempt had not received. Another argument was, the abolition of the hereditary jurisdiction in Scotland; but this originated in the House of Lords, who by their conduct as a court of appeal in civil causes, had rendered themselves as dear to that country as they were to their own. It was by a communication from the House of Lords, under the direction of lord Hardwicke, to the court of justiciary in Scotland, that the hereditary jurisdiction was to have been abolished, but the House of Commons at the time took up the matter in the light of a money bill, and it was then brought in a-fresh in the House of Commons by the attorney and solicitor general, and afterwards passed. On the subject of the late trials he contended, that in all the cases which had occurred in the last eighteen months, the juries had brought in their verdicts unanimously finding the panels guilty, and not merely by a majority, which the law of that country admitted of; this he thought was a sufficient answer to all that had been said about packed juries. He concluded by declaring his decided opposition to the motion.

Mr. *Fox* rose and said:—Sir, I have often been surprised at doctrines advanced in this House; I have often prepared myself not to be astonished at any desertion of former principles; I have often had my understanding perplexed and confused; but never did I find myself so much at a loss as on the present occasion. The learned lord advocate commenced and concluded his speech with reproaching my learned friend who sits near me (Mr. serjeant Adair), with misquoting and mistaking the law of Scotland; but after preparing to expose my learned friend's ignorance, after increasing our expectations, he did nothing more than repeat, but in a louder tone, what had fallen from my learned friend, and what had been asserted by both the gentlemen who spoke so ably in support of this motion. I really, Sir, supposed that I did not hear the lord advocate, or that I misunderstood him. My learned friend, speaking of the construction of petty juries in Scotland, said, that from the forty-five chosen to try the cause, fifteen were struck by the court. Now what statement can be more alarming to justice, what more dangerous to the liberty of the prisoner? But when the lord advocate comes to speak on the same subject, notwithstanding his surprise at the ignorance of my learned friend, he uses the very same words, and says, that after the forty-five were given in to the court, the judges selected fifteen; not as in England, by taking the first twelve that came, or on special juries, by ballot, but by selecting number one, two, or any other number as best suited his purpose; and the manner in which the first list was made out by an inferior officer of the court, only served as an additional cause for alarm, because it rendered packed juries more easily obtained; for certainly the power of the judge to select such as he pleased from the number, was tantamount to a packed jury. If the lord advocate intended that we should believe my learned friend had mis-stated the matter, he should have framed some argument, either to show that the jury was not packed, or that there was no danger of such an event taking place.

With respect to the power of the lord

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advocate, he can create prosecutions. I collect from the learned lord, that if the guilt of any person is made out, the court will order the prosecution to be commenced; but this is only with respect to public crimes, in which the lord advocate may commence or discontinue any prosecution. But he has treated the argument of the able mover with great unfairness: he has said, that my learned friend wishes to introduce the whole of the criminal law of England into his country, and on the impropriety of this measure he has dwelt for a considerable time: he should recollect, that my hon. friend was not speaking of felony or larceny, but of public crimes against the state; and that it was only the criminal law which related to those crimes, that he wished to introduce. In that sense I am certain the House understood him. Did my hon. and learned friend mean any thing else, much as I admire his talents, and much as I might respect his intention, I certainly could not coincide with him. In many respects I revere the criminal law of England; but it would be after serious reflection, and unprejudiced consideration, that I would consent to extend it, with all its penal statutes, to any country; because there are several of those statutes, that contain provisions, of which I can by no means approve. My hon. and learned friend meant only to introduce the criminal law which relates to sedition; and in his examination into the law of Scotland, with a view to its alteration, he does not assert that he would change it generally, but particularly, and only as far as relates to leasing-making, and the other points enumerated in the question.

The lord advocate has spoken of the act of Union. He says, that by this act we are prevented from making any change in the jurisprudence of Scotland; but he ought to have recollected, that the emphatic words of that act not only declare what the law is, but that the criminal law of Scotland may be altered by the parliament of Great Britain, when in its wisdom it should be deemed expedient and requisite for the public good. He has mentioned the different laws which support his assertion; the learned lord, however, says, that we should not proceed to make any alteration, until it come recommended from the throne, as had been the case in respect to the law of treason. Indeed, Sir, we have lately heard such strange things advanced of our constitution, we have seen it receive so many wounds, that we ought not to be astonished at this suggestion. Does the learned lord mean, that we are to wait until ministers come down to this House to complain, that the prerogative of the crown is exerted too strenuously against the privileges of the people, that they who oppose their measures are punished too severely, and that the law ought to be made more lenient? I cannot understand what the learned lord intends by this idle assertion, which means nothing; and that it does mean nothing, is the best construction that can be put upon it. The next case the learned lord said, had proceeded after a previous inquiry between the House of Lords and the court of justiciary. I have as high an esteem for the House of Lords, in their judicial capacity, as any person can possibly have, but I cannot allow them any exclusive right to legislate, nor that any such alteration of the law ought to originate with them; for in their legislative capacity *pro tanto* the House of Commons is in every degree equal. Indeed, the learned lord saw the folly of this argument, for he was obliged to own that the bill was rejected in the first instance, and came from the Commons at last: but, then, he said it was carried through by the attorney and solicitor general; this might appear to the learned lord very proper; but I trust we have not yet forgotten all sorts of equality so much as to sanction a measure because it comes from this or that lord in one House, or from the attorney and solicitor general, or any member in the other. We all have the same trust reposed in us by our constituents, and our duty being the same, so is the degree of respect to be paid to us. This question, I contend, should be treated as a practical one. But, Sir, there may be some members in this House, and I have reason to think there are, who were not present during the late discussions: there may be some who attending cursorily, and hearing the debate relating to Mr. Muir, and Mr. Palmer, and the one of this night, may conclude that the proceedings adopted with respect to these gentlemen were legal; but I persist in contending that this was by no means the case. These are the first punishments inflicted on such crimes. It is true, they argue on the other side, that they are legal. They argue from analogy; they admit (for obliged they are to do so), that

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in the sixteenth century no such punishments were inflicted on conviction of such offences; they can consequently find no precedents to bear them out on this occasion. In vain they searched; no industry, no trouble was spared. Certainly the lord advocate would have availed himself of it, could any such be found. But, Sir, the right hon. secretary asserts, that the people of Scotland enjoy practical happiness. When did they attain this desirable situation? Let him point out the date, and name the period. Was it under the reign of Mary, or the two first Stuarts? Was it at the union of the two crowns, in the reign of Charles 2nd, or of his brother James? If there has been any period at which happiness has been enjoyed in that country, it must be since the union or revolution: but these crimes were never punished with such dreadful severity till within the last eighteen months; and no precedent can warrant that severity, except the infamous and abominable precedent of 1704. The right hon. secretary says he likes the criminal law of England, but that of Scotland better; he will not therefore consent to alter it; and he doubts whether it can be altered. Has it not, Sir, been altered by parliament since the Union? Did we not change it with respect to treason in 1708? Yet, in the reign of queen Anne, when we did change it, we were not considered guilty of a breach of faith.

But, Sir, does not every circumstance of the late proceedings dictate the propriety, nay more, the necessity, of going into an inquiry? What was advanced by one of the judges of the court of justiciary on a late occasion? "New crimes," said the judge, "arise from the new state of things; and courts, not legislatures, are to find new and adequate punishments." From the time of the Union down to the present, no such punishment is found. The circumstances of the country are new; the lord advocate is puzzled; he finds no precedent for a century; he looks for the law; and where does he endeavour to find it? Not subsequently to the Union; no, but beyond the union of the two crowns; and not finding it anywhere, he has recourse to ingenuity; he reasons from analogy, and finds he may transport these culprits to Botany Bay! This, Sir, is a new case; for which there is no punishment prescribed by statute, no precedent to support it, nothing which can warrant it, but an argument from analogy. For my part, I think the new method of punishment in Scotland as dangerous as the old method in England is adequate. What then is it we say to you? We tell you, "We live in a country not totally exempt from the crime of sedition, though we allow there never was less of it than since the accession of the House of Hanover! we, who are well acquainted with the crime, are able to judge what is the punishment suited to the offence: we know that, in point of fact, the punishment inflicted in this country is so adequate, that sedition was never less complained of. We have practice in our favour; you are totally ignorant of the crime, and equally ignorant of the punishment suited to the crime; you may have had more confusion in your country for the last century than we; but we think a few libels, and one or two mobs, better than two rebellions; this crime to you is new, to us it is old; we tell you your new remedy is dangerous: our old one we find adequate; we therefore wish to recommend it."

But, while we are kindly interfering, while we are offering our friendly advice, we are told that we are speculatists, that we are no judges, and incapable of dictating what ought to be your conduct. When we offer part of the criminal law of England, and tell you that imprisonment is the punishment suited to the offence, you return for answer, that imprisonment for many years is worse than transportation. This, Sir, I deny. Imprisonment cannot be compared with transportation for fourteen or even seven years. But what is the case in this country? The punishment in few cases of libel has exceeded two years; the longest I ever heard of (the case of lord George Gordon) was five years; and that, Sir, give me leave to say, was not a proceeding which reflected the highest honour on the country. But for a misdemeanor, I know a single instance of seven years imprisonment having been inflicted. Does any one think seven years imprisonment is equal to the offence of sedition? Indeed, Sir, when I heard of this severe punishment being inflicted on a man in this country, and when I saw it connected with the name of the judge, for whom I have a personal esteem (being no other than my learned friend, when recorder of London), I inquired what crime the prisoner could have committed; but found he was convicted of an offence little short of murder, and that the misdemeanor was

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aggravated by several other shocking offences. Surely, the crime of sedition does not require a greater punishment than that which our constitution inflicts on those convicted of the most heinous offences! The learned lord has gone into clergyable offences; but, Sir, arguing about felonies has nothing to do with the present question; this constitution could not have been preserved, if we did not observe a greater jealousy with regard to state crimes than any other. I cannot suppose there exists a desire in judges and ministers to press excessive punishment in cases of petty larceny, or other small offences; but I can well imagine that punishment may be pressed against those who oppose their measures, or are obnoxious to their schemes; the jealousy should be greater where we have any reason to fear that men high in power may be actuated by improper motives. Treason is the same in both countries; nor can I see any sort of difference with regard to sedition; it is not more local than treason, and is equally directed against the King of Great Britain, in whatever part of the kingdom committed; the punishment, therefore, ought to be the same on both sides the Tweed.

But, suppose sedition to be an English crime, and that an Englishman in Scotland were to publish a libel against the government of this country, he must by the laws of Scotland be tried upon principles totally different from English. How absurd! An English crime ought to be tried by English laws, and on English principles. I confess, I feel, Sir, the importance of this question; I feel that the House has the greatest interest in the motion of this night. Considering the question merely as it relates to sedition, there is ample ground for going into an inquiry: we should know what it is; that we may not comment upon, speak about, write of, or venture to propose reforms in Scotland. If in England I am accused of sedition, it is not the general crime which is laid to my charge; there is some specific act stated: supposing even the act I am accused of proved, and that I am found guilty, if it does not appear a crime in the eye of the law, I still shall be relieved. But what is the case in Scotland? The general crime is stated in the indictment: I have seen the general crime, the major proposition of the syllogism, in the case of Mr. Gerrald; but the lord advocate treats with levity the idea of packing juries; and he tells us with triumph, that in all the late proceedings the juries were unanimous. What does this argument prove? Nothing. It is true they might all be unanimous, but surely they might still have been all collected under the eye of the officer, and direction of the court. Good God, Sir, however I may disagree with many of my friends on other topics, will they not all agree with me in this? Will they not all see its danger in the same view that I do? Will they not all coincide with me in declaring, that no man is safe, no man's liberty secure, if he can be charged generally on the crime of sedition?

I am taking the late proceedings, for argument's sake, to be strictly consonant to law; though God forbid I should ever be inclined to think them so; yet is there not something with respect to the evidence in those cases, which calls for your interference? The House will recollect the evidence of Anne Fischer, that infamous witness, that domestic spy, whose testimony I cannot think of without shuddering at it; yet she, and other such witnesses, were produced as to the general charge of sedition. Do I stand, Sir, in a British House of Commons? Which of us is safe, if charged on the general ground? If every action is to be examined, if evidences from different quarters are to be collected to prove different charges, without any specific act being stated in the indictment, I appeal to every man who hears me, whether there can be any liberty in the country where such practices are allowed? Which of us can be comfortable in our minds, if such doctrines are countenanced? Let us set free our countrymen in the other part of the island. Let us go into the committee; let us both legislate and declare. The people of Scotland have a right to expect both; and I hope, when the House shall be more accurately acquainted with the proceedings, to see the sentence condemned, the mode of conducting these trials censured, and the production of that most infamous witness Anne Fischer both reprobated and regarded with disgust. What, Sir, is not a man to say out of doors what has been advanced within the walls of this House? Is a man to be punished with transportation for advancing political sentiments, which, if declared here, would be taken no notice of? Has no one in this country a right to think or speak on political questions but members

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of parliament? Indeed, Sir, if general sedition is allowed as a charge, and such witnesses as Anne Fischer are produced to maintain and support it, I can easily conceive the danger of delivering sentiments freely in any place. I recollect that, when I was a boy, attending the debates in the gallery of this House, a sentiment fell from the late earl of Chatham, which warmed and filled my breast with admiration; and which did him more honour in my eyes, than many things that have since been related of him. The American war was then extremely popular, and a member having asserted that there was a rebellion in America, "I rejoice," said this great man, "that America has resisted: I rejoice that she has shown that symptom of British spirit and British blood in her veins; and I hope it will flow unimpaired to her descendants, till they have accomplished all they merit."* This raised him high in my estimation; this splendid sentiment he never after denied; for though he left this House, it is well known what he uniformly advised in another. If this great man had been in Scotland at that time, and ministers had had the opportunity of prosecuting these words before the court of justiciary, his sentence would have been transportation: or perhaps this punishment would not have been sufficient; if one of those judges who lately presided, had then the direction, the torture might have been introduced as alone adequate.

But, Sir, allow me to say a few words in answer to a challenge thrown out by the right hon. secretary. Does he mean to say that, intrusted as he is with a great employment in this country, and enabled consequently to know the extent and application of the criminal laws of Scotland, he thinks those laws inadequate? Why then, Sir, reflecting on his situation, and seeing all the trusts that are reposed in him, does he suffer crimes to be inadequately punished? Will he, forgetful of his situation, sit supine, and leave them unpunished? Or, will he act the more manly part, and say, I cannot see crimes punished in so inadequate a manner, without attempting to alter the laws? Which will he do? Will he prefer the latter? If he do, I give him credit for his courage and his consistency, absurd and eccentric as the idea of increasing the punishment is: if he do not alter them, I cannot give him credit either for courage or consistency: if he attempts to alter them, I then give him credit for his courage; for others have been very severely punished for less dangerous attempts. But this assertion of the right hon. secretary, that the laws are inadequate, is not an assertion which has accidentally escaped in the warmth of debate; it must have been an expression carefully considered, and minutely examined; it has been ruminated over for four or five days; nor, Sir, ought it to be received with indifference: his official situation makes every thing which comes from the right hon. gentleman of importance. The right hon. gentleman does not say he advances this, because he is dared to it. I would nevertheless advise him to beware how he meddles with the liberties of Englishmen and consider well before he increases punishment. Let him not think our laws inadequate until he shall have made some motion to that purport, and has ascertained whether this House thinks with him on that point. I am fully satisfied that something ought immediately to be done to correct this abuse of law in Scotland, and to put an end to the tyranny practised under the pretext of administering justice in that part of the kingdom.

The *Attorney-General* said, that the right hon. gentleman who spoke last had not, in his judgment, stated one reason sufficient to induce the House to accede to the motion—a motion not confined to any particular point, but which went to alter the whole criminal law of Scotland. One of the most materialgrounds to be taken into consideration was, whether it was expedient to change the whole habits of jurisprudence, and the constitution of the courts of a country? He would repeat that there was an indissoluble compact, a firm treaty in the way, which no sophistry could get over; for it was idle to say, that the 18th article of the Union permitted the substitution of the criminal laws of England in the place of those of Scotland. The nature of criminal justice, both in Scotland and England, was perfectly well known at the time of the Union, and had been so ever since; and yet he could not, in all that time, find a single attempt to exercise that permission, which would have been done, if the change was at all in the

* The speech to which Mr. Fox here refers, was the last the earl of Chatham ever made in the House of Commons. It took place on the 14th of January 1766. See Vol. xvi. p. 104.

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contemplation of those who bore a share in that union. Indeed, it must appear astonishing, if the invitation to substitute the laws of England was so plain as the learned serjeant had stated, that the patriots of England and Scotland never should have found out till lately that all the criminal proceedings of that country were a nuisance, and that they should remain so long unaltered. With regard to what had been said of evidence having been given on the trial of Muir, out of the matter charged in the indictment, it would lose much of its weight when maturely considered. He would not deny that it would be convenient to justice, if it were possible to have all the facts laid in the indictment: but he wished gentlemen to recollect, that, in prosecutions for treason, evidence might be given of overt-acts, though not charged specifically in the indictment, so that they were of the same nature with those charged; and he could see no reasonable objection why they should not give evidence of the same kind on criminal cases in Scotland. He insisted that the lord advocate had not more power, nay, not so much, as the attorney-general of England. The power of the former was more actively exercised, but not in a stronger manner or with greater effect. Both had power to proceed in the prosecution of criminal cases. The lord advocate could only stop those causes in which the prosecution was carried on at the suit of the public; whereas the attorney-general could, by his *noli prosequi*, stop all and every sort of criminal cause. He, for his part, however, dared not do it; because, however legal it might be, he should consider it as a breach of his fidelity to the public. On the head of discretion, which it had been said was vested to an inordinate and dangerous extent in the judges of Scotland, it would be found upon examination, that full as extensive a discretion was left in the breasts of English judges. In various cases, they had the power of sentencing to pillory, fine, imprisonment, &c. In some instances, he would maintain that the laws of Scotland were even more favourable than those of England to delinquents; and he would state a fact in elucidation of his assertion, namely, that it constantly happened, that men were tried for crimes which were by the law deemed capital offences, and therefore subject to capital punishment, yet, to which it was so horrible to both judge and jury to assign capital punishments, that the judge has not unfrequently charged the jury to find a verdict under a shilling, where the article in question was obviously worth some pounds; and where the jury, acting from the same principle, had thought it their duty to comply with that charge. In Scotland, too, arbitrary punishments were annexed to a variety of crimes which in England were punished with death; and even that arbitrary sentence was as much a subject of the mercy of the crown, as the compulsory capital sentence of an English criminal court. The right hon. gentleman had taken up an expression which had fallen from his learned friend, and had thence endeavoured to infer that his learned friend meant that an alteration in the laws should originate with the crown. He denied the inference; but would at the same time say, that as the treaty of union was made by the crown, any measure that at all touched Scotland would come much more properly from the crown or its servants, than from any other person; as the king's ministers were more likely to know the feelings and disposition of that country on the subject. Had that been attended to, the present discussion would have been saved; for not one whisper of complaint against those laws ever came from the persons concerned in their operation. Upon various appeals to the lords, the question had been repeatedly decided, that appeals would not lie; and yet no attempts had been made, no wishes had been hitherto expressed, to alter the laws in that respect.

Mr. *M. A. Taylor* declared, that in voting for the motion, he never gave a vote that was more strictly in unison with his conscience. He never would sit silent, and hear it said, that the severe sentences passed on Messrs. Muir, Palmer, &c. were legal. He insisted that the criminal law of Scotland required alteration. He mentioned a circumstance with respect to Mr. Gerrald, which he knew to be an indisputable fact. He had objected to the lord justice Clerk sitting in judgment on him, because Mr. Gerrald had been assured that he had made use of expressions against the prisoner. The lord justice Clerk it was true, withdrew, but the other judges over-ruled the objection; and one of the judges pronounced that this was an aggravation of the prisoner's guilt. He would put it to the attorney-general, whether he would have acted in

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the same manner, had he been in a similar situation? No, he was convinced that his sentiments would have recoiled at the idea.

The House divided:

Tellers.

YEAS { Mr. Whitbread - - - - / Mr. Hussey - - - - } 24.

NOES { Lord Adv. of Scotland, / Mr. Attorney-General. } 77.

So it passed in the negative.

Debate in the Commons on Voluntary Aids for Public Purposes without the Consent of Parliament.] March 17. On the motion, that the bill for Augmenting the Militia be engrossed,

Mr. *Baker* observed, that the measure did not appear to him to be adequate to the purpose for which it was brought forward. It was said to be a provision against a danger which threatened the country. Now, if the danger was imminent, our force ought to be equal to it; but this bill did not appear to him to be of that nature. He had seen a paper, dated Whitehall, 14th of March 1794, which seemed to recommend a general subscription for the purpose of carrying on measures, of which the bill then before the House was a part. He must say, he objected to that measure as an irregular one. Parliament was the only legal organ of the country, through which the people could signify their consent to assist the carrying on of any plan, the expense of which was to be paid for out of the public purse. The measure to which he had alluded could not, in his judgment, be legal at any time, or under any circumstances, but least of all during the sitting of parliament.

Mr. Serjeant *Adair* expressed his opinion of the irregularity of the measure of raising any public subscription, to assist the carrying on of the measures of the executive government, independent of the interference of parliament. There ought at least to be an act of parliament to sanction the measure.

Mr. *Fox* declared, that the measure said to be going through the country, by way of a recommendation from his majesty to the people, to stand forth and assist the executive government with voluntary subscriptions, he had ever held to be entirely illegal, and a measure the most dangerous to the constitution of this country. If the object was to legalize that practice, he was perfectly sure that there should have been a bill for that purpose. A bill must pass to authorize the application of such money, even after it was raised, otherwise not one shilling of it could be legally applied. This opinion he had frequently given during the American war, and all he had ever heard upon the subject had not tended to alter that opinion.

March 24. Mr. *Sheridan* rose to call the attention of the House to the subject of raising troops by voluntary subscription. He did not mean to debate the subject at length now, because another day was to be taken up with that discussion; but he would say, that an application from ministers to any body of men for the raising a voluntary contribution towards supporting any military power in this country, was wholly illegal and unconstitutional. There was at this moment a body of men deliberating on the best mode of raising men, and of paying them when raised, independent of parliament; and this, too, not merely in consequence of a voluntary act of theirs, but from the express requisition of the secretary of state; and this was followed by an advertisement in the public papers, worded in a manner that seemed to indicate that those who did not join it, had views that were hostile to the constitution. Of that character, and to that effect, was the advertisement in Surry desiring a meeting at Kingston on the 27th of this month [Here he read the advertisement]. He might be told, that it was not the intention of ministers to put these troops under pay until the plan of raising them, and the mode of paying them, should receive the sanction of parliament. But why was parliament passed by in this business in any stage of it? Why did ministers resort to lords lieutenant and grand juries, instead of the House of Commons, the only place to which they could constitutionally resort? He should say no more now on this subject, but should move, "That an humble Address be presented to his Majesty, praying, that he will be graciously pleased to give directions that there be laid before this House, a Copy of a Letter dated Whitehall the 14th of March addressed to the Lords Lieutenant of several counties together with all plans and other papers inclosed therein."

Mr. *Martin* said, that some time since he had made up his mind never to be

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surprised at any thing that should be done by the present administration. After the numerous punishments that had been inflicted on several individuals for avowing political opinions; after the general system of erecting barracks all over the kingdom; after the introduction of foreign troops without the consent of parliament, this last measure crowned the whole.

Mr. *Western* in a maiden speech, said, he felt himself under the necessity of declaring the conviction of his mind upon this very important subject. The constitution in its vital principle was attacked and violated, and the dignity of the House was grossly insulted by the measure now under consideration. His astonishment was excited and his indignation roused, when he was told that the executive government of this free country had made application to the lords lieutenant of counties, stating to them, a necessity of raising a military force, of which the House of Commons was kept in profound ignorance, of calling upon individuals to open their purses to support a military plan, no part of which had been submitted to their representatives in parliament. Did the House reflect on what this might lead to, if not opposed? Had they forgot that on the power of raising the supplies depended their very existence? Had they forgot, that the nature and essence of parliament altogether was founded on the power they had of concerting measures offensive and defensive for the safety of the country, and their privilege of giving the throne advice in such cases; as also to have the exclusive dominion over the raising of money for the support of all public plans whatever? Was it to be endured that a minister should tell the House of Commons, "I will not state to you what I intend to do in times of emergency, I shall send down my plan to the lords lieutenant of counties, they shall recommend my system to the grand juries, and between us the business shall be made up and at my leisure I shall show you what we have agreed upon?" This was certainly the amount of what the present plan might lead to; and then the whole of the internal defence of the country would depend, not upon the great council of the nation, but upon the authority of individuals. If this was to be the case was it not obvious that the House of Commons would be robbed of all its authority? Could any thing be more plain than that if the executive could raise supplies by any means whatever, without any application to the House of Commons, there was an end of all the representation of the people, since their representatives were stripped of the only power that made them formidable to the crown, and useful to the people? The king, by such a practice, might raise an army and maintain it without any power from the people to check it; that army might be employed to the complete destruction of their liberties, and what would the people have to oppose all this? It was too alarming to think of. He might be told that there need be no alarm on the constitutional point, for that this was only part of a plan, and that the whole of the measure should after this be submitted to the House. No man, in his opinion, could be satisfied with such a promise, without sacrificing the rights of his constituents. Did the House see the situation they were in? Supposing they assented to this in confidence, what was their security that they would not be dissolved to-morrow? Had the House the least intimation that such a step as this was intended to be taken? None whatever. The whole of this business was exceedingly alarming; and he lamented that when this application came from the executive authority to various classes of the people, they did not return this constitutional answer: "Go to our representatives with your plan." He gave an account of the proceedings had before the grand jury in Essex, where he attended, and did all in his power to awaken them to a sense of the danger to the constitution; and, after the matter was debated, the majority decided, not as he could have wished, but, however, not so indiscreetly as to approve altogether of the measure; they agreed on giving an answer in general terms, without pledging themselves to do any thing specifically. He should only say, that he never heard of a measure more clearly unconstitutional, or more dangerous than the present.

Mr. *Pitt* said, that voluntary contributions, for the purpose of assisting levies, those levies receiving the sanction of parliament, was a measure perfectly legal, and perfectly consonant to the practice, on repeated occasions, on which the zeal of the subject had been displayed. The hon. gentleman had said,

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that this measure had been adopted without any previous intimation to the House that such a measure was in agitation. He begged leave to say, that that statement was incorrect, because when he moved the bill for augmenting the militia, he had stated, that it was proposed to adopt other measures. To-morrow his right hon. friend would have a message from the king relative to this subject.

Mr. *Fox* said, he could not let that opportunity slip of declaring his opinion on the subject to be the same with the minority of that House, and with the House of Lords, in 1778, on the illegality of these subscriptions in any case whatever. The whole defence on that occasion was that those contributions were purely voluntary and *bona fide* spontaneous, that there had not been a hint on the subject from the crown, or from any of his majesty's servants, and that there was nothing that could be construed into an application in the most remote manner. But in this case, there had been a direct application from the king's secretary of state officially; and it was a maxim universally maintained when he wrote a letter of that kind, though he did not say, "I am commanded by his majesty, &c." it did imply a command, and that he was acting in obedience to such a command. He was, therefore, clearly to understand that the king had sent his mandate to different parts of the country, to ask, without the consent of parliament, who would, and who would not, contribute what was necessary for the defence of the country. Parliament was now sitting, and yet his majesty, by his secretary of state was now levying money on his subjects without the intervention of that House, when the constitution had over and over again declared that money shall not be given to the king by the people of England through any other channel than that of their representatives in parliament.

Mr. *Francis* was surprised at the manner in which this measure was attempted to be brought about, considering the whole transaction, to be as superfluous and unnecessary, as it was illegal and dangerous. Why should the king's minister resort to these irregular courses to levy armies or raise money to pay them? What occasion had he to pass by the House of Commons? Did they ever refuse? Were they not at all times as ready to grant as he could be to ask? Was he not sure of their support? Then where was the necessity of applying for money to any other persons? What useful purpose was it to answer? Yes, it would answer a purpose which this House ought to reprobate with severest indignation. In the first place, it created a precedent against the rights of the House of Commons—that was something. The door was open—the right hon. gentleman had only to knock and be admitted. Why should he prefer going in at the window? The first would have been the course which an honest man would have pursued, the other was the act of a robber and an assassin. But it did more; it enabled the minister to draw lines of distinction, and to sow jealousies and enmities among the people; to mark one man out as a person of prodigious loyalty, if he contributed; another as disloyal or disaffected, if he refused. For himself, he should soon have an opportunity of showing that right hon. gentleman how little he valued his power, his abilities, or his artifices. A meeting of the county of Surry was to be held at Kingston, on Thursday next; he was a freeholder of Surry, and was determined to attend that meeting on purpose to make himself that marked man which the measure had in view, and to distinguish himself to the utmost of his power by his opposition to the treacherous and pernicious schemes of the king's minister, directed, as he saw they were, to the utter ruin of the constitution.

Sir *James Sanderson* said, that he had an old fashioned prejudice about him, that led him to believe that all supplies ought to originate in the House of Commons only. When the question came to be debated, he should carefully listen to such arguments as might be advanced in favour of a contrary practice, and should then vote as his judgment should direct him; but in the mean time, he did believe there was a precedent before that in 1778, which would be found of much weight, namely, the one of 1759.

Mr. Serjeant *Adair* said, that as a bill was shortly to be passed for the purpose of increasing the militia, a clause in that bill, empowering persons to subscribe for the purposes thereof, would at once legalize the measure, and supersede the necessity of agitating the present question. He threw this out in order to avoid a discussion on an abstract question, which only went to increase precedents, which were afterwards brought forward in sup-

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port of measures very different from those which gave them birth.

Mr. *Grey* said, that in this case he saw a strong necessity for discussing what the learned gentleman called an abstract question, and that necessity arose from the conduct which ministers had followed by first doing what was illegal, and then coming to ask the sanction of parliament. The necessity for such discussions could not be made more manifest, than by an attention to the conduct of ministers of late. They had erected barracks, and had landed foreign troops in this country, in a manner perfectly illegal; at the same time, so far were they from thinking a bill of indemnity necessary, that when it had been moved for, it had met with avowed opposition from them and their friends.

The motion was agreed to.

Plan for more completely providing for the Security of the Country.] March 26. Mr. Secretary Dundas presented the following

Plan for Providing more completely for the Security of the Country. Dated Whitehall. March 14, 1794.

In order to provide more completely for the security of the country against any attempts which may be made on the part of the enemy, it may be expedient to adopt some, or all, of the following measures:

1. To augment the militia by volunteer companies, as was practised in the last war; or by an additional number of volunteers, to be added as privates to each company.

2. To form volunteer companies in particular towns, especially in those situated on or near the sea coast, for the purpose of the local defence of the particular places where they may be raised, according to the accompanying plan, or such other as may, on application for that purpose, be approved of, as best adapted to the circumstances of any particular town.

3. To raise volunteer troops of fencible cavalry, consisting of not less than fifty, nor more than eighty, per troop; who will be to serve only during the war, and within the kingdom. The officers will have temporary rank only, and will not be entitled to half-pay: the arms, accoutrements, and cloathing will be furnished by government; but the levy-money for the men to be furnished by the persons who undertake to raise such troops; and the horses to be found by them, but to be paid for, at a reasonable price, by government.—A person raising two troops, to have the temporary rank of major; four troops, that of lieutenant colonel; and six troops that of colonel.

4. To form other bodies of cavalry within particular counties or districts, to consist of the gentlemen and yeomanry, or such persons as they shall bring forward, according to the plans to be approved of by the king, or by the lords lieutenants under authority from his majesty; and the officers to receive temporary commissions from his majesty, and the muster-rolls also to be approved by his majesty, or by the lords lieutenants, at the periods to be fixed. No levy-money to be given, and the horses to be furnished by the gentry or yeomanry who compose the corps, but the arms and accoutrements to be supplied at the expense of the public. Such corps to be exercised only at such times as shall be fixed by warrant from his majesty, or by the approbation of the lords lieutenants. To be liable to be embodied, or called out of their counties by special directions from his majesty, in case of actual appearance of invasion; and to be liable to be called upon, by order from his majesty, or by the lord lieutenant or sheriff of the county to act within the county, or in the adjacent counties, for the suppression of riots and tumults. In either case, while actually in service, they shall receive pay as cavalry, and be liable to the provisions of the mutiny bill.

5. To enrol and appoint places of rendezvous for a sufficient number of persons in different parishes and districts, particularly in places near the sea coast, to serve as pioneers, or to assist the regular force in any manner that may be necessary on the shortest notice, in cases of emergency.

Companies of infantry for manning batteries on the coast, each to consist of 1 captain, 2 lieutenants, 3 serjeants, 3 corporals, 2 drummers, 60 private men at least; one third to be armed with firelocks, the other to have pikes eight feet long. The officers to be recommended by the lords lieutenants of counties, but to have commissions from the king. To assemble two days in each week, to practise. The officers to be allowed pay, and the non-commissioned officers and private men, each one shilling per day, for the

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days they are at exercise. To have clothing given by government, that they may be all uniform. Not to be removed more than five miles from home, unless ordered by his majesty, on the appearance of an invasion, when they are to be called out and paid like other militia, but not to be removed out of their county.—Officers on half pay will be accepted, if recommended.—To be under military law when embodied, and under the command of a general officer.

It is naturally to be supposed that gentlemen of weight or property in different parts of the kingdom will separately stand forward, in order to carry into execution the several parts of the plan for the security of the country: but it seems also desirable a general subscription should be opened, to be applied, under the direction of a committee, for the purpose of assisting in carrying into execution all or any of the measures therein suggested, as circumstances shall appear to require.

The King's Message for an Augmentation of the Forces.] March 25. Mr. Secretary Dundas presented the following Message from his Majesty:

"GEORGE *R.*

"His majesty thinks it proper to acquaint the House of Commons, that, for the purpose of more effectually guarding against any attempt which may be made, on the part of the enemy, to execute their professed design of invading this kingdom his majesty has ordered a further augmentation of his land forces, the estimate for which he has directed to be laid before the House. It is also his majesty's intention to take measures in order to be able, in case of emergency, to assemble speedily a large additional force in any part of the kingdom where it may become necessary; and his majesty relies, with confidence, on the cordial and effectual support of parliament, and on the zealous and spirited exertions of his people in carrying into execution such measures as may be requisite for the general security. G. *R.*"

May 26. The order of the day being read for taking the king's Message into consideration,

Mr. Secretary *Dundas* said, it would be unnecessary for him to enter into any observations on the war in which we were engaged. It was enough for us that the enemy had avowed an intention of invading the kingdom, and had made some dreparation seemingly for that purpose. He should therefore move, "That an humble Address be presented to his majesty, to return his majesty the thanks of this house for his most gracious Message; and to assure his majesty, that this House will cordially concur in such measures as may appear necessary for guarding in the most effectual manner, against any attempt on the part of the enemy, to execute their professed design of invading this kingdom; That with this view we shall be ready to make provision for the further augmentation of his majesty's land forces, and for enabling his majesty, in case of emergency, to assemble an additional force in any part of the kingdom where circumstances may require it: that, in the prosecution of the just and necessary war in which his majesty is engaged, which involves in it the safety and happiness of hif subjects, his majesty may rely on the continuance of our firm and decided support, which cannot fail to be seconded by the zealous and spirited exertions of a brave and loyal people."

Mr. *Fox* objected to the Address only on the ground of its being too specially and strongly worded, and of pledging the House to grant extraordinary powers to the crown, before the emergency that could alone justify a grant of such extraordinary powers, was clearly made out. He admitted that the enemy had not only professed their intention to make a descent, but had made extensive preparations for that object; and though such a descent was not to be apprehended, yet it was necessary to place in the hands of the crown the means of defence, in case it should be attempted. Important, notwithstanding, as the object confessedly was, he would not have it effected by what were called voluntary subscriptions, which, in his judgment, were illegal and unconstitutional. That a discussion should take place upon that subject was his ardent desire. He objected to the words "just and necessary," which seemed to have been introduced into the address for the sole purpose of preventing that unanimity with which it might otherwise have been carried.

Mr. *Sheridan* said, he would abstain from making the motion of which he had given notice, if he found that ministers had thought better on the subject of subscriptions, and had taken this constitutional mode of calling for the aid of

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the country to the executive power. But if he found that they had not abandoned that plan, he should make the motion of which he had given notice.

Mr. *Pitt* said, it was not to be understood, from the silence of the message, or the address, that the measure of the subscriptions was abandoned. The address, was silent on that subject, because it was not necessary it should take notice of it, in order to make that measure perfectly legal and constitutional. He was prepared to say, that every individual subscription, on the part of the subject, to strengthen his majesty's hands by the augmentation of his forces to carry into effect any plan that shall receive the sanction of parliament, was a measure perfectly constitutional and legal. The right hon. gentleman and a few others objected to the precise form of the present address. Some might wish that it did not express the present war to be just and necessary. He was desirous that this address should pass unanimously; but he should abandon the duty he owed to his sovereign and to the public, if, for the sake of unanimity, he were to consent that the address should omit that description of the present war. In every act to which that House had been a party, that description had been given of the present war. It was a description which belonged to it, perhaps in a greater degree than to any war in which this country had ever been engaged. He hoped that those gentlemen who sometimes denied that the war was just, and at other times allowed that it was necessary, would think a little of their own consistency.

Mr. *Fox* said, the chancellor of the exchequer had argued on the words "just and necessary," as if they had been introduced into the address merely to afford an opportunity for accusing gentlemen who opposed the war of inconsistency, if they should vote for the address. His opinion still was, that the war was not necessary, and that it had been provoked by the conduct of ministers. But the war having been entered upon, and no alternative left but to expose the country to the attempts of the enemy, or to defend it, he would support the war, that the interests of the country might suffer as little as possible. When the country was supposed to be in danger, was it just or honest to prevent the minority, however small, from expressing their loyalty and zeal, by the introduction of topics that must create a difference of opinion? From what had been said, he felt himself bound, in defence of that consistency which the chancellor of the exchequer had thought proper to impeach, to move, by way of amendment, "that the words just and necessary" be omitted in the address.

Mr. *Drake* complimented Mr. Fox on the candour with which he had professed his willingness to agree to the address, although words had been introduced into it, of which he could not be supposed to approve. He strongly recommended unanimity upon a subject where, in fact, there was no real diversity of opinion; for, were an invasion to take place, he made no doubt, but as a true-hearted Englishman, Mr. Fox would be one of the foremost to oppose the invaders. He trusted, that whatever difference might exist as to the expediency of the war at its commencement, there was not an Englishman who did not reprobate the politics of France. It was impossible to express this abhorrence in stronger language than that used by Mr. Grey, who had declared the present government of France to be so cruel, unjust, and tyrannical, that he would rather live under the rule of Nero or Caligula. He hoped that Mr. Fox would consent to withdraw his amendment.

Mr. *Grey* said, that he was prepared to defend the country, not only against an invasion of a foreign enemy, wishing to inculcate their own dangerous principles, which were clearly most subversive of civil society, but he would defend it, at the risk of his life, against the subjects of any government, if it was the best that human wisdom could devise; he did not however think it was candid, or by any means conciliatory, in the right hon. gentleman, on every occasion that presented itself to introduce the words "just and necessary" war. He declared he was much obliged to an hon. gentleman who had done him the honour to remember his words. He had declared, and he would declare again, that he would rather live under the most despotic monarchy, nay, even under that of the king of Prussia, or the empress of Russia, than under the present government of France. He wished the chancellor of the exchequer had descended a little from his high and haughty tone of prerogative, and had informed the House, in plain, simple, intelligible language, his

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real opinion of the legality of the measure which ministers had thought proper to pursue with respect to voluntary subscriptions. As for himself, he would insist, that to raise money without the authority of parliament, for any public purpose whatsoever, was illegal; and if the right hon. gentleman should insist on the contrary, it would give a deeper wound to the constitution than any that it had yet received even from that right hon. gentleman.

Mr. *Pitt* felt no difficulty in saying, that to propose a voluntary subscription, for the purpose of levying a military force for the defence of the country, to be sanctioned by parliament, was in his opinion strictly legal and constitutional.

Mr. *Francis* said, that, since he had sat in that House, he had never been witness to a more useless waste of words than had been made on the present occasion: that it seemed to him to require little less than the genius of confusion to confound two objects so perfectly distinct as those which were before the House; the one immediately under consideration, the other to follow it on some subsequent day. The first question to be decided was, whether they should vote an address of thanks to the king, to assure his majesty of their determination to support him in every measure necessary to the defence of this kingdom? To that I agree, and as heartily as any man, even among those who are most loud and vehement in their professions, and some of whom, if they contributed at all, would not do it out of their own property, as I must do it out of mine. But, in agreeing, as I do, to the substance of the address, let me not be compelled, in the same breath, to contradict myself, and to declare that the war is "just and necessary," which I have repeatedly declared to have been neither just nor necessary. What occasion have you to force us into that useless contradiction? The question of the justice or necessity of the war is not in issue now. All the useful purposes of the address will be answered by simply saying "the present war," without any qualification one way or the other.—The second question is, whether, without reference to the quality of the war, it be legal and constitutional for the executive power, by its ministers, to solicit and receive pecuniary contributions from the subject, for the purpose of levying and maintaining an armed force, or for any other public purpose, without the grant of parliament? To that question I say, No; and I shall resist the measure to the utmost of my power. Is there any inconsistency or contradiction in my conduct on those distinct questions? On one side, I am willing to assure his majesty of the support of this House in a parliamentary way, that is, by parliamentary grants and supplies. On the other, I say, I will not consent to support the war by applications directly from the Crown to the subject, because I deem it illegal and dangerous to the liberty of the country, which I wish to defend, but which is only worth defending in proportion as it is free. The right hon. gentleman has now favoured us with a definition, which he thinks legalizes the measure, namely, that the application of the money contributed shall have the sanction of parliament. That condition, added now, will not legalize what has been already done, or attempted to be done, without it. But this is evidently an after-thought of the minister. If the condition, now stated, be necessary to legalize the measure, why was it not so expressed in the letter of requisition from the secretary of state to the lords lieutenant? In that letter, you will not find a single word about the sanction of parliament.—But I should be glad to know whether the right hon. gentleman means, in applying for contributions, to use the same language to the country which he does to this House? Does he intend to ask every man, in the first instance, whether he thinks the war "just and necessary;" and, unless he thinks so, not to accept of his assistance in support of it? or does he expect that they, who think the war originally unjust and unnecessary, will support it by extraordinary contributions? Why should he urge these useless, contentious questions any where? The indispensable necessity of defending the kingdom is argument enough to engage every man to concur in the address. On this day, the minister may command unanimity if he will. He forces us to dissent, when in fact we wish to agree with him.

Mr. *Buxton* hoped the amendment would be withdrawn. The war, however necessary he must admit it to be, was highly burthensome to the people; and he must approve of any plan which tended to impose such part of the expense upon

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the rich as would be likely to make the remainder more easy to the people. He respected as much as any man the privileges of parliament; but when parliament was calling upon his constituents for supplies, he was sorry to see it retain one privilege in particular, which, if abolished, would, he was persuaded, prove highly beneficial to the revenue—he meant the privilege of franking. This had frequently occurred to him; and, if it met the approbation of the House, he would on a future day make a motion on the subject.

Mr. *Martin* was a friend to every useful and necessary privilege, but would cheerfully support any motion for abolishing the privilege of franking. If the privilege were used only for public purposes, he should be for maintaining it, as necessary for the advantage of the people at large, but he would support such a bill the more readily, as he knew that some members abused that privilege in a very unparliamentary and ungentlemanly manner.—Mr. Martin was called to order; but he desired that his words might be taken down. In order that he might be correctly understood, he repeated the expressions.

Mr. *M. A. Taylor* doubted whether the abolition of the privilege of franking would much increase the revenue. There was a source of revenue, however, which, if the war should continue, he should move to take into consideration; viz. the abolition of sinecure places, and the reduction of the salaries and emoluments of those places, from which gentlemen drew great incomes, without doing much, if any thing, for them. This abolition, besides increasing the revenue, would also have the good effect of diminishing what was justly called secret influence; but which he in bolder language must denominate corruption.

The question being put, That the words proposed to be left out stand part of the question, it was resolved in the affirmative. The address was then agreed to.

Debate on Mr. Sheridan's Motion respecting Voluntary Aids for Public Purposes, without the Consent of Parliament.] March 28. Mr. *Sheridan* said, that in bringing forward the subject of the demand which had been made by his majesty's ministers, of a benevolence from the people, he should be obliged to trouble them at some length. The proposition which he intended to make, was so congenial with the spirit of the constitution, so necessary to its maintenance in the purity in which it had been handed down to us by our ancestors, so essential to the security of the people and to the very existence of parliament, that in his opinion, it wanted only to be heard, in order to be generally received. With a parliament sitting, a parliament certainly not indisposed to comply with any measure proposed by the chancellor of the exchequer, instead of coming down to state and desire the farther aids that might be necessary for the defence of the country, an application was made, through the secretary of state, to the lords lieutenant of counties, to instigate a subscription, and levy a sum of money among the people, not subject to the control of parliament, nor even within its cognizance. When this extraordinary proceeding was noticed in parliament, it was thought proper at length to bring down a message from the crown. He even then hoped, that in that message words would have been introduced, and a proceeding taken upon it, which would have made his present motion unnecessary. He hoped that the right hon. gentleman would have called upon parliament to authorize the proceeding; and even this, though a tardy and ungracious mode of conduct, he should have been happy to have seen; and he should not in such case have thought it necessary to submit to the House the motion which he held in his hand. But, in this message, not the slightest application was made for any sanction of the proceeding. All that was done was, to bring in a bill to put under certain regulations, the men to be levied by the money so to be subscribed.—The question for the House to consider was, whether the people had a right to give, and the crown a right to receive, a supply or subscription for public purposes, without the consent of parliament? This question involved in it no less than, whether the crown could maintain a force, and carry on the executive government of the country, independent of parliament? Now, he averred; 1st, That it was against the reason of things, and against the first principles of a mixed government and of a representative system, and consequently not reconcileable either with the spirit or the letter of our constitution, for the crown to possess such power: 2dly, That it was not consistent with the ancient usages of the country, conformable to the best authorities, nor to be reconciled with

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the custom of the kingdom in good times: and 3rdly, That even if it were consistent with the usages, and might be countenanced by authorities, that it was not a course fit to be resorted to as a source of revenue for the security of this kingdom.

As to the first, he would say, that there could be no true security for public liberty except on this ground, that the crown can neither take nor use property to any public purpose without the previous consent of parliament. It was not the boasted liberty of Englishmen merely that property was secured to them, but that no property, however it might come into the hands of the crown, could be applied to any possible purpose, except such as had been previously authorized by parliament. It was not, then, simply the boast of our freedom, and the basis of our security, that the crown could not take money out of our pockets, but that the people cannot, by any act of indiscreet benevolence, present their money to the crown, except through the channel of parliament. For, suppose it were otherwise, and that grand juries, corporate bodies, county meetings and other assemblies, could, at their pleasure, present sums of money to the crown, to be used at pleasure, parliament must become from that moment unnecessary; the king would have the means of employing this money to purposes not previously explained; for it was the peculiar office and duty of parliament to square and adapt the grant of money to the special purpose, and to see that no sums were put at the disposal of the executive government, which were not to be appropriated to a purpose which they had previously judged necessary. If grand juries and county meetings could not, then, with safety to the constitution, grant such sums of their own motion, how much more alarming must it be, if a supply of this kind were to be demanded of them by the crown, and to be granted upon such demand! What must be the situation of the country, if the crown could at pleasure appeal, not to parliament, but to knots and selected societies of individuals, and procure supplies for purposes unknown and unexplained to the legal representatives of the people? A moment of delusion might arise when, by exerting all the influence of the crown, and adding to it all the quackery of cant words—and of inflammatory appeals to their passions, the people might be brought into a temper to grant supplies, even when the parliament had refused them. He might mention an instance within all their recollection. In 1784, many persons were of opinion that the House of Commons should have refused the supplies, as the best means of resisting the unconstitutional attack that was then made on the privileges of the House. He, for one, was against the measure: but it certainly would not be denied, that if at that time it had been adopted, the people of the kingdom were, by the artful delusion and cry of a fourth estate, and of a monstrous coalition, brought into a temper to have granted a supply to the crown, and that in a way to have made all the functions and purposes of parliament unnecessary to the crown. The East-India company would no doubt have been ready to come forward with their 500,000*l.* or 1,000,000*l.* and a sum at least equal to that annual grant, which the wisdom of their ancestors had thought fit to reserve in the hands of parliament, as the best security for all their other privileges, would have been raised against that very coalition, a great part of which was now revered as the most splendid support of the very vitals of the constitution. They would have subscribed against all that was great and glorious —against the person who was now at the head of the law—and against those who had thought that nothing could preserve the liberties of this kingdom inviolate, but involving the nation in the present most blessed and advantageous war. What would be the consequence if this power of the purse was not vested solely in parliament? All the privileges possessed by the people would fall at once to the ground; for they were inseparably connected with the assembling and sitting of parliament. The king was not bound to call a parliament, at specific times; but if he should neglect to call one for three years together, it was appointed that they should meet by the authority of the people. Would the House see the great and strong fence of all their liberties, the power of the purse, invaded in the slightest manner; and would they say that we had any sensible practicable security for any one privilege, if the crown had resources independent of the people? The question might be asked, Can the crown make use, for any public purpose, of money derived from private resources? He had no hesitation in saying, that it would be an overturning of the whole constitution, if the king could employ any funds, to a

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purpose not authorized by parliament. He went to the whole extent of this principle: if the Throne of England had devolved to the House of Bourbon, would it have been a sufficient security to Englishmen, that the king of Great Britain being also the king of France, could not apply the immense sums which he might have drawn from that flourishing kingdom, to any purpose in England, unauthorized by the parliament of England? Would it have been sufficient for them to say, "Our liberties are safe because you cannot put your hand into our pockets?" No: it was seen and felt that there could be no security for the liberties of England, if the king of England could draw resources from another kingdom, of so immense a kind as to render him superior to the power of the purse in the hands of their own parliament. They had not the same fear with respect to the elector of Hanover, because no resources could be drawn from that place dangerous to British liberty. The principle, however, had ever been present to the minds of men; and both in commuting the hereditary revenue which the king drew from the colonies, and also in settling the constitution of Ireland, care had been taken that the crown should not have the means of drawing into its hands sums that might be injurious to the country. One of the most plausible arguments that was used for the American war, was, that by giving to the parliament the power of taxing America, they would take out of the hands of the crown the revenue which America might voluntarily grant, without the cognizance of parliament.

With regard to contributions, it was ridiculous to say that they were voluntary: there was no such thing as a pure voluntary subscription, when that subscription was to be made for the crown. If this was true, even in the time of James 1st, how much more so must it be at this time, when the officers of customs and excise, placemen, pensioners, and dependents upon the crown, were greater in number than all the constituent body of the kingdom, certainly more in number than that part of the people who nominated and returned a majority of that House. Would it be said then that, when the influence of the crown was so strenuously exerted, that a subscription demanded by the crown could be said to be voluntary? He would venture to say, that not one in twenty was a free voluntary subscriber. The extent to which the principle might be driven, was pretty well exemplified in the late meeting for Berwick, a meeting which he did not hesitate to pronounce illegal, and which could only be aggravated by its being founded upon an application from the minister. At this meeting they had resolved to raise two troops of horse for their defence, which should be at the disposal of the crown, to go to any part of Great Britain. To defray this expense, they resolved upon a kind of land tax, by which they imposed a levy on all heritors, amounting to eight months of their annual cessment. Regretting, however, that they could not at once extend this to the property of those who were absent, they drew up an application to them, by which they stigmatize all who shall refuse to subscribe. The only plea in favour of this proceeding was, that though the money was subscribed, yet it was not to be applied in any other manner than by consent of parliament. Now, he called upon any one to produce a single law by which it could be proved, that where it was lawful for the people on one hand to subscribe, and for the crown on the other to receive it, it was not equally lawful for the parliament to direct the application of it. But suppose the legality of such interference demonstrable, might it not be rendered nugatory, by the danger of waiting for such an application in the pressure of imminent difficulties? Thus, on the subject of landing foreign troops, it was contended that there existed no danger, because ministers, in doing so, were bound to give notice thereof to the House. Neither in that, nor the present instance, could any law bearing such construction or necessity be produced; on the contrary, if it was legal for the king to accept, it was equally so for him to apply the benevolences which might be granted. But he asserted that there was nothing contained in the statutes to justify any other grants than those voted by parliament, but that the direct contrary was deducible from them all; to prove which he took a review of the different periods in which the benevolences were agitated. The first instance we had of benevolences was in the time of Edw. 4th. The next was in the case of Pym, in the 4th James 1st upon his resisting the payment of certain duties levied without the consent of parliament. The arguments used upon this occasion fully established the point, though not the principal one in

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discussion—that the king had no right to such means of support. After this follows the petition of right in 1629. It was true that this only marked compulsory benevolence; but that was the evil then felt, and to remedy which they particularly turned their minds. Compulsory gifts were one offence, and gifts, however free, were no less a breach of the privileges of that House than the other. The next case in point of order, was the case in 1615, of Mr. Oliver St. John,* who, on account of a letter which he wrote to the mayor of Marlborough, was prosecuted in the Star Chamber. In this letter Mr. St. John stated the objections which he had to this kind of benevolence: first he said, "It was not only without, but against reason, that the Commons, in their several and particulars, should be relievers or suppliers of his majesty's wants, who neither know his wants, nor the sums that may be raised to supply them. Secondly, it was against reason, that the particular and several Commons distracted, should oppose their judgment and discretion to the judgment and discretion of the wisdom of the land assembled in parliament, who had there denied any such aid." Mr. St. John farther said, that "some for fear, some in pride, some to please others, would enter into this contribution;" and he stated it to be "against the constitution, and a violation of the great and solemn oath taken by the king at his coronation, for the maintaining of the laws, liberties, and customs of this noble realm." For this letter, Mr. St. John was prosecuted in the Star Chamber, and his sentence was to be fined 5,000*l.*, and to be imprisoned for life. The great sir Francis Bacon, was then attorney-general, and the speech that he made upon that trial was most memorable. He defended the measure of benevolence to the crown, by most extraordinary arguments. "God forbid," said sir Francis, "any body should be so wretched as to think that the obligation of love and duty from the subject to the king should be joint, and not several. No, my lords, it is both. The subject petitioneth to the king in parliament: he petitioneth likewise out of parliament. The king, on the other side, gives graces to the subject in parliament; he gives them likewise and poureth them upon his people out of parliament; and so, no doubt, the subject may give to the king, in parliament and out of parliament." Sir Francis goes on to say, "that it was thought fit by the lords, in council, to make a proof of the love and attachment of the country; and they devised and directed letters unto the sheriffs and justices, declaring what had been done here in London, and wishing that the country might be moved, especially men of value;" and sir Francis, in the course of his argument, defended the measure, because "it was to work upon example as a thing not devised, or projected, or required, no not so much as recommended, until many that were never moved nor dealt with *ex mero motu*, had freely and frankly sent in their presents; so that the letters were rather like letters of news of what was done at London, than otherwise? and we know *exempla ducunt non trahunt*; examples do but lead, they do not draw nor drive." The letter of Henry Dundas was exactly on the model of the letter of the council of James 1st. Sir Francis's whole argument went upon the idea that this benevolence was not an exaction called a benevolence, and which the duke of Buckingham spoke of in his oration to the city. His definition of a benevolence was extremely curious: he defined it to be, "not what the subject of his good will would give, but what the king of his good will would take." And after these valuable arguments in favour of benevolences, sir Francis ran through three pages of panegyric, on his majesty, as the greatest warrior, finest writer, most sublime philosopher, most christian monarch, and the handsomest man in Europe: and upon these arguments, the Star Chamber fined Mr. St. John 5,000*l.*, and condemned him to imprisonment during the king's pleasure.

He now came to the statute of the 13th Charles 2d, "for a free and voluntary present to his majesty," which in reality settled the point now under discussion, for that statute in its preamble declared all voluntary aids or benevolences from the people to the crown to be illegal. But in consideration of the sudden and pressing necessity of the king, it did legalize a benevolence on that one occasion; under very strict limitations it directed, that the subscription of no commoner should exceed 200*l.*, nor that of a peer 400*l.*; it limited the duration of the benevolence, and there was a special provision that this statute should never be "drawn into example for the time to

* See Howell's State Trials, Vol. 2. p. 899.

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come." This statute was the law to this day: no one proceeding in the shape of a law had taken place since that time; for the Bill of Rights confirmed by inference the 13th Charles 2d, though, like the Petition of Right it confined itself to benevolences at the requisition of the crown. He could not conceive what possible case ministers could ground themselves upon since the Revolution. In no one instance was there a case to be found in any thing similar to the present. The example of 1745, when a rebellion was raging in the country, and parliament was not sitting, would surely not be adduced. It was one of those cases of extreme necessity which superseded all usual forms of proceeding, as well as all law: it was a case that struck at the vitals of the constitution, when government would not have merely been justified in taking the aids that were offered, but when they would have been justified if they had gone greater lengths, and had, by the proclamation of martial law, put the whole body of the people under arms, and removed the property of individuals from the reach of the common enemy. It was not from a case of such necessity that they ought therefore to argue; nor did he conceive that the right hon. gentleman would choose the case of 1756, as the ground of his justification. At that time bounties were offered to such seamen as should enter as volunteers, by the city of London, and the other great bodies, and the earl of Chatham had written a letter of thanks to the city upon the occasion. But would the earl of Chatham, if he were now alive, adopt the unprecedented measure of his son? The case of offering bounties in addition to the bounties given by the crown, was very different from a benevolence to the crown. The money was not given to the king: nor did it come in any shape into the hands of government: it was to be given simply to those individuals, who, in consequence of an act of parliament, entered into his majesty's service; and who had already received the sum directed by parliament. It was a measure which countenanced a measure of parliament, but did not go farther. The next instance was that of 1778, and this was of the same sort as the former. Parliament was adjourned for the purpose, as it was said, of procuring the additional aids at a time when they were not sitting. During this adjournment, accidental or contrived, certain persons in the city of London, and elsewhere, resolved to raise sums, and to put them under the disposal of a committee, for the purpose of buying clothing, &c. But the instance differed from the present in this, that it was not done at the requisition of the crown; his majesty's ministers were not seen in it; and that surely was not one of the cases in which the ministers were to find their great authorities. Great authorities were to be found at that time against the measure. A right hon. gentleman then member for Bristol (Mr. Burke), spoke with his usual splendor against a measure that struck, as he said, at the very foundation of public security. Another great authority who countenanced the earl of Chatham, in the case of 1756, and whom the chancellor of the exchequer would not, he conceived, despise upon that account, objected to the measure with that zeal for the constitution which had distinguished his honourable life, he meant earl Camden. The authority of Mr. Dunning, and of many other most eminent men, was against his majesty's ministers on a measure that had not half the aggravation of the present. As to the case of 1782, it was totally inapplicable; it was, in reality, a measure that might have been deemed, both on account of the time at which it came, and of its own nature, to be highly democratic; for it came immediately after the letter of the duke of Richmond, and his motion for universal suffrage, and was a recommendation to the people to take arms for their mutual defence; but it did not recommend that levies should be made for the crown, or that money should be put at its disposal.

He had thus gone through his precedents and he concluded from them that the present measure was hostile to the spirit of the constitution, and to the sound usages of the country. His third proposition, that even if it could be reconciled with the constitution, and with custom, it was still a measure unfit to be resorted to, would soon receive a better illustration than any that it could derive from his arguments; for it would soon be seen what would be the result of the present attempt, for there never was a moment so favourable for the experiment as the present. The country had all the motives to a grand display of benevolence that any possible concurrence of events could engender. The expenses of the

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present year would be at least five and thirty millions sterling for the payment of the interest of debts, and for the maintenance of this most glorious war—a war essential to so many grand objects, that it was almost impossible to enumerate them—a war for the salvation, of the British constitution, and for the safety of kings—a war for the christian religion—a war for privileges and distinctions—a war for social order—a war for the safety of this country, and for the security of the whole of Europe—a war, in short, in which all the emotions of the soul were to be roused, and in which, if ever it could be expected to draw a great sum from the source of benevolences, the exertion of the people on the present occasion was likely to be such as to demonstrate the extent of this species of resource; for if the people were only to advance their money upon all the inducements that were held out, one pound for religion, one pound for kings, one pound for the British constitution, one pound for social order; what must not be expected from a generous and opulent people. He would be bold to foretel, however, that it would be as unproductive as it would be oppressive and odious. Nothing could be more idle than to call it voluntary. When the enormous influence of the crown was considered, it would be impossible for men to act from their own motion. Nor could it be considered as the most equal mode, since some from ostentation, and more from interest, in the view of getting rank for their relations, or contracts, or agencies, would be induced to subscribe. It was one of those instances in which the right hon. gentleman mimicked the Jacobins; as indeed he mimicked them in every thing. In every way in which he could view the subject, it was calculated not merely to delude the public, and to be vexatious and oppressive as far as it went, but seemed to be adopted for no other purpose under Heaven, except to take advantage of the decay of all popular spirit for the establishment of a principle ruinous to the liberties of the country. Mr. S. concluded with moving, "That it is a dangerous and unconstitutional measure for the executive government to solicit money from the people as a private Aid, loan, benevolence, or subscription, for public purposes, without the Consent of Parliament."

The *Attorney General* insisted, that what had been done by ministers was not only not repugnant to the principles of the constitution, but was sanctioned and confirmed by the spirit, the letter, the text, and the comment of every law that existed. When he had heard it asserted that voluntary aids for purposes to be sanctioned by parliament, were illegal and unconstitutional, he confessed his great astonishment. After these assertions had been so often repeated, he was extremely cautious not to state a syllable upon the subject, till he had completely satisfied himself, that his opinion was warranted by law and the sound principles of the constitution. When he recollected what had been done in 1778, and the opinion of that illustrious character lord Camden who took a decided part in the proceedings of that period; when he recollected what had occurred in 1782 and the opinion of lord Ashburton, who was then one of the cabinet ministers; when he recollected what had been transacted in the year 1759; when he recollected the opinion of that great man lord Chatham, upon precisely the same measure; when he recollected what had occurred in 1746, and the decided opinion thereon, by lord Hardwicke, who took occasion, in passing sentence upon the rebel lords, to declare that he held the opposite doctrine to be the height of presumption and ignorance; and when he recollected, that, in confirmation of this opinion, might be added the clear and distinct sentiments of the twelve judges of England, together with the sentiments of the master of the rolls, he was astonished beyond measure and was led to suppose, that he had totally mistaken the whole history of the country. He would first state the facts on which the question arose, and would then put it to the House, whether the proposition attempted to be made out by the hon. gentleman, could possibly arise out of the facts, or whether that House could come to a resolution, aye, or no, upon it. Taking into consideration the paper that had been sent round to the several lords lieutenant, if it could be shown that such a step was dangerous, illegal, and unconstitutional, then the opinion of every statesman, lawyer, and politician, upon precisely the same subject, must have been hitherto a mistaken and erroneous one. The plan supposed, that corps were to be raised independent of the force, for the raising and maintaining of which parliament was to pass a

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vote. Then it was stated, that such a measure was illegal and unconstitutional; and why? Because a bill was to be brought into that House very nearly similar to a bill that had, under the same circumstances been brought into the House in 1782. In the year 1782, with the lords Camden and Shelburne in the cabinet, together with a right hon. gentleman (Mr. Fox) who was inferior to neither in talents or abilities, lord Shelburne had written a circular letter to several parts of the country, soliciting subscriptions. This letter sat forth, that his majesty had given directions, the more effectually to guard against any hostile attempt, and the better to provide for our operations abroad, for the augmentation of the domestic force of the kingdom. Unquestionably this measure proceeded on the most natural and constitutional principles. His majesty had given directions for this plan to be taken into consideration by his subjects, the better to provide for the security of the kingdom. This plan was dated the 7th of May, 1782, and directed the raising of one or more battalions in certain towns and counties, and also directed that the officers of such battalions should be raised out of the gentlemen of the neighbourhood: the arms, accoutrements, and ammunition, to be furnished by government, if necessary. This was an appeal to the loyalty of his majesty's subjects in May, 1782, under the auspices of the administration of that day; and he must maintain again, that if any man requested from him his labour, to fill the purse of his majesty, or to save government the expense of 10*l.* he did as much by complying with that request, as if he had actually given government the sum of 10*l.* Part of this plan was, that the widows of officers to be employed should have pensions for life. What was this but saying that these widows should have the money of the public? To this communication and plan the secretary of state received from different parts of the kingdom different answers. From Scotland not the most agreeable; for the answers from thence were, that the people were too poor to contribute any more to the war, having already contributed as much as they were able to bear. There were answers from Sheffield, Yarmouth, Leeds, Sunderland, Lincoln, Carlisle, Norfolk, Cambridge, from Lewes, and Exeter, almost all stating a readiness to open a subscription for the support of government and those who did not, only stated their inability to do so, not their unwillingness. He might, perhaps, be told, that the meaning of the letter was not to recommend a subscription, but something else: to which he would answer, that the best interpretation of its meaning was, the impression it made on all those to whom it was addressed; and that impression had been uniformly what he had now stated. In 1778, at a meeting of merchants of London, and other friends of the constitutional authority of Great Britain over her rebellious colonies in America, it was voluntarily agreed, that subscriptions should be opened for raising money in aid of his majesty's service, to be disposed of in such manner as his majesty, in his wisdom, should think fit. This measure was opposed by lord Camden, lord Ashburton and the other illustrious persons to whom he had already alluded. How came these persons to differ practically in 1782 from their theoretic opinion in 1778? It was no reproach whatever to them; it arose from a conviction of the necessity of the state, by which they were called upon to abandon the question of abstract reasoning for relative propriety. He then took notice of the motion of Mr. Wilkes, for leave to bring in a bill to prevent the dangerous and unconstitutional practice of giving money to the crown as a private aid, loan, or benevolence, without the consent of parliament; and also a resolution moved in the House of Lords, in 1778; both of which were negatived. In 1759, money was raised for levying seamen, under precisely the same circumstances. He defied gentlemen to distinguish that case from the present. It did not become them so frequently to contrast the word "people" with the word "majesty." He begged to remind gentlemen, that prerogative was vested in his majesty, as the father of the people; and for the benefit of the people; but was it likely that the judges of the land who were entrusted with the preservation of the best principles of the constitution, would give their opinion in favour of such a plan, if they had considered voluntary contributions to have been illegal and unconstitutional? Would they not have said that ministers ought to have gone to parliament for a bill of indemnity? Did they say so? No. Was it likely that lord Hardwicke, whose memory the latest posterity would revere, would tarnish his own

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character as a judge, when he delivered his opinion upon the occasion? These were his recorded words—"the rebels soon saw the king's subjects endeavouring to outdo one another in zeal, affection, attachment, and loyalty; they perceived that the merchants had assembled, and that all descriptions of men crowded in with liberal contributions beyond all former times." Now, what reason had lord Hardwicke to say any thing about the circumstance? That great character was not content with merely saying, that it was perfectly constitutional, but added, "notwithstanding what has been ignorantly and presumptuously stated to the contrary." What did the Bill of Rights state? Why, that the raising and keeping a standing army within the kingdom, in time of peace, was contrary to law. There was no doubt about it. The Petition of Rights recited the statute of Richard 3d., and upon which lord Coke had commented. That great authority concluded his comment with *Quod nota bene* "if money is given with free will and consent, this is not prohibited by any statute." Among a multitude of cases, he should select from that great writer one in the reign of Richard 3d., who solicited a subscription in person. He asked a widow, "What will you give me for the maintenance of the war against my enemies?" She said, "In faith for the sake of your lovely countenance, you shall have 20*l.*" On which he kissed her, and she immediately said he should have 20*l.* more. He then cited the declaration of all the judges in the reign of queen Elizabeth, "that a free gift or benevolence, without compulsion was lawful." The Petition of Rights provided that no man should be compelled to give benevolences against his will. Would the hon. gentleman infer from this, that the legislature had left the matter so as to mislead posterity; and if so, would posterity have been misled from the year 1627 down to 1794? He wanted to know why the gentlemen opposite had suffered several of the nobility to raise companies at their own expense? Why the East-India company had been suffered, during the American war, to subscribe three ships? or why a noble lord (Lonsdale) had been suffered to *promise* a seventy-four, but which promise had not, indeed, been performed? Upon the whole, it was not wise to come to any resolution upon the subject. The measure itself stated the plan, which it was impossible could be effected without the concurrence of parliament. If the hon. gentleman was convinced, that by this plan something hostile was intended to this constitution, he might impeach the advisers and promoters of it. He should conclude with moving the previous question.

Mr. *Powys* thought the subject had a right to give what pecuniary aid he pleased, provided it were applied by parliament for the benefit of the community. He thought, however, that the measure might have been brought forward in a better form. He was not apprehensive of any danger, and would never be alarmed till he saw troops mustered without the consent of parliament. He would therefore second the previous question.

Mr. *Fox* said, that he had attended this debate with a considerable degree of curiosity, as he understood, from what had dropped from the chancellor of the exchequer on a former night, that the charge of political inconsistency was to be brought against him. Two points puzzled him considerably; first, who was to make the charge; and next, what the charge was to be. He could not expect it from the hon. gentleman who was alarmed at the danger of Hessian troops being sent to Gibraltar, but saw not the smallest ground for apprehension from their introduction into this country; nor from the right hon. the chancellor of the exchequer, who commenced his political career as the firm and unalterable advocate of parliamentary reform, but who had since not only abandoned the cause, but had been its strenuous opposer. I recollected (said Mr. Fox), the vulgar adage, that "he whose house is made of glass, ought not to throw stones;" and likewise that most excellent maxim of a most excellent book, "let him that is innocent, throw the first stone." I was pretty certain, therefore, that this charge of inconsistency must come from some young member, as a young member would be the least liable to have the charge of inconsistency retorted upon him. The contest for some time upon whom this duty should fall, seemed to lay between a young member (Mr. Jenkinson), and the learned gentleman who made it, and who, though not a young member, is young in respect of the transactions of which he has taken upon himself to speak. It would have been an object of amusement to have had a view of

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the divan, when consulting who was the fittest person to discharge this important duty. It puts me in mind of a ridiculous story, which I shall take the liberty to relate: An Englishman being imperfectly acquainted with the language of the people, and having occasion for the assistance of a female servant, could discover no other way of expressing his ideas, but by calling for *la pucelle*. The women of the house were in a dreadful dilemma on hearing this demand repeatedly enforced; and at length a girl of seven years of age was presented to the traveller, as best answering the description of the person he required; and in conformity to this rule, the virgin purity of the learned attorney-general was pitched upon by the minister to expose his own political prostitution and inconsistency. From a young member of parliament I expected perfect consistency, especially from a member who had undertaken the charge of inconsistency against another. But the hon. gentleman who seconded the learned member is not so young a member; he well recollects the circumstances which took place in 1782; and if he saw any thing censurable in the conduct of that day, why did he not fairly condemn the measure? Did he do any such thing? So far from it, he was perfectly silent on the subject; he either saw nothing that could be condemned, or thought it too trifling for censure. Certain I am, that in lord Shelburne's letter, he will not find the most distant allusion to any subscription. It was a circumstance that never entered the minds of those who composed the administration of 1782. The learned gentleman has asserted, that he who asks for money's worth, asks money. With this principle, in its full extent, I can by no means concur; if so, the impress of sailors is a mode which the king possesses of raising a supply independent of his parliament. It is a distinct prerogative vested in the crown, arising from circumstances, of peculiar necessity, with which the other has not the most remote connexion. Lord Shelburne's letter was not a solicitation, it was not a request, nor even a hint at any contribution or subscription; and if any such were entered into in consequence of that letter, they must have been of so trivial a nature as not to have made any impression upon my memory. This letter had merely for its object to take the advice of the people at large, with respect to arming for the defence of the country. It was not intended to take the people from their several employments: he who pursued agriculture was not required to abandon his plough, nor the artizan the implements of his trade; all that was wished for was, that they should give up a few hours of their time to acquire some little knowledge of the use of arms, in order to render them in some measure capable of defence, and to prepare them against any danger that might threaten them. It has been urged, that the measure in 1782 differed not from that which I opposed in 1778, supported by lord Camden and lord Ashburton. I had, in 1782, the honour to be of his majesty's cabinet council, consisting at that time of eleven members, ten of whom had opposed the subscription of 1778. Was it likely that we should, directly after our entering into the ministry, adopt those principles in 1782, which we had with such firmness opposed in 1778? Lord Camden and lord Ashburton, men well acquainted with the law and the constitution, were at that time in the cabinet. The marquis of Rockingham, though no lawyer, was a man who understood the constitution, and his greatest enemies will allow, that he possessed firmness and consistency, that he had not that versatility of character that could make him act on principles when in administration opposite to those which he avowed when in opposition. It seems rather extraordinary, that now after a period of twelve years has elapsed, an attempt should be made to convict me of inconsistency, which at the time of the transaction was never thought of. Would it not have been natural, if any objection were made to the measure adopted in 1782, to have stated, you are now acting upon the identical principles which you opposed in 1778? Was any such objection started? No; the objections were of a very different description. The danger of becoming an armed nation, like Ireland, was strongly urged, and the injuries that had been committed by the volunteers of that kingdom, who, in my opinion, far from injuring their country, rendered it great and essential services. I have, Sir, consulted the record of the debates of that day, which, though not in every instance the most indisputable authority, certainly gives the general line of argument, and the great principles advanced. But in them I can find nothing to brand me with the charge of

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inconsistency. On the contrary, I find directly the reverse, and that the expressions which I then employed exactly correspond with the principles which I at present maintain. The learned gentleman says, that I did not oppose the giving ships, and other private aids. He mentioned the offer of a 74 gun-ship from the earl of Lonsdale, the name of which is not to be found in the list of the navy of Great Britain, and other ships from the East India company. These measures I did oppose, in my speech at the opening of that session, because I looked upon every gift of the kind as an injury to the constitution. The learned gentleman has contended, that the precedent of 1782 is similar to the present, and also to that of 1778. I shall here take the liberty of quoting the authority of Mr. Burke, whose abilities all must admire, and whom, for many years, I had the happiness to call my friend: his opinion is clear and decided upon this head, in favour of the doctrine which I support. The learned gentleman contends, that the ground of argument used by lords Ashburton and Camden, in 1778, turned entirely on those contributions being left at the disposal of his majesty. I remember the arguments of lord Ashburton well: he confined himself to no such narrow system; he took the broad and general ground of objection to contributions in any shape. I remember, too, the arguguments of lord Thurlow, who certainly advanced many forcible reasons which had considerable weight in my mind, though I concurred in opinion with lord Ashburton; but the point for which he contended was, that contributions were legal and constitutional, when they came voluntarily from the bounty of the people, without solicitation on the part of the sovereign. The authority of the twelve judges has been cited; but the circumstances which occurred in 1745 are not to be quoted as precedents for measures which should not be adopted, except in case of the recurrence of such deplorable times. The judges, says the learned gentleman, had they done wrong, should have called for a bill of indemnity. How long, Sir, is it since the learned gentleman became the advocate for bills of indemnity? A few days since he maintained an opinion widely different from this. That great palladium of British liberty, the Bill of Rights, which should never be mentioned but with veneration and respect, I now hear spoken of with apprehension, lest it should be made use of as an argument to deprive us of some privilege or right. Because the Bill of Rights is silent on the subject of voluntary contributions, on that ground such contributions are held to be lawful; as well might it be said, that because it contains a declaration of the subject's right to petition the king, but is silent with regard to his right of petitioning the Commons, that therefore no such right exists. The learned gentleman has depended much on the constitutional authority of lord Coke; but I wish at the same time he had quoted sir Francis Bacon, a man of great talents and erudition also, though unable to withstand the lure of corruption. In his political conduct, much as I defer to his opinions in other points, lord Coke does not seem to be quite consistent. In the case of Mr. St. John (his expression I shall use, because forcible and well founded), speaking of contributions, he says, "contributions never can be voluntary, some giving through pride, others through fear, and some from interest." Sir Francis Bacon, in his life of lord Coke (though it is not very fair to take the account from his rival or enemy, says, that when the case of Mr. St. John was first represented to him, he delivered it as his opinion, "that all gifts, however voluntary, were illegal," but when he came to judge Mr. St. John in the star-chamber, he changed that opinion. At all events, the sentiments of lord Coke, which go to support this doctrine, are taken from his posthumous works, which never underwent a revision; though possibly if they had, they would never have appeared to the world in the shape they now do. With regard to the opinion given by lord Hardwicke, it was certainly an extra-judicial opinion, and therefore of less authority.—But are these contributions innocent as far as regards the constitution? Are they attended with no evil consequence whatever? Allowing this right of private contribution, might not a great party, or great power, joining with the crown enable the latter to carry on a war contrary to the opinion of parliament, or to undertake measures still more destructive to their liberties? It is certain ministers could be found to urge such measures, and assist their execution. This argument has been urged already by my hon. friend (Mr. Sheridan), and still remains unan-

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swered. The motion, it is said, does not apply to what has happened. Now, what is it that has happened? The executive government have issued a request or requisition, stating, that it would be desirable to enter into subscriptions for certain purposes; and what is my hon. friend's motion? That such conduct is dangerous and unconstitutional. Does not this go to the very point to which it ought, namely, to a censure of his majesty's ministers for misconduct? Gentlemen say, if there be misconduct, why do you not impeach? I am not for impeaching ministers for every offence; the object of an impeachment is, to procure punishment for great offences. It does not appear to me in what manner the king can make any request to his subjects, as separate and distinct from the two Houses of parliament, who are co-equal in authority with him. In his individual capacity, the only connexion he can have with the subject is to command him, which if the command be lawful, the subject is bound to obey. It is not an easy thing for a subject to refuse the request of a king: we cannot refuse him with the same indifference we would a fellow-subject; and, if an individual were to refuse to comply with his demand, would not his ministers be apt to point him out as an object of suspicion? I think such requests inconsistent with the dignity of a king, and the situation of a subject. Wherein consists the utility of the measure? Will it be said, that it is not a tax upon the poor as well as the rich? I know of no way by which we can tax the rich, that will not ultimately fall on the poor. It is foolishly imagined in France, that to deprive one great man of his dishes of silver and gold, and another of his money, will be of advantage to the poor. No, Sir, these are the means by which the poor are maintained. The luxuries of the rich constitute the principal means of their support, by employing their industry. If the rich man gives up part of his property in voluntary contributions, he must deduct so much from his expenses, which the poor must ultimately feel. In short, a system of taxation that will affect but one class of men is a thing impossible.—But why should his majesty's name be carried begging about the country to excite discontents and jealousies? Why, if it is for the purpose of raising a defence for the kingdom, are not the Commons applied to? If there be a danger, it is rather that they will be too profuse, than not sufficiently liberal in their grants: why then should ministers occasion these differences? Is it for the sake of those who have lately joined their standard, in order to exhibit with what facility they are disposed to contradict all those opinions and principles they had ever maintained? But let opinions be what they may, in case of invasion, are not we all equally apprehensive of the danger, and equally interested in the event; unless it be supposed that the National Convention keep a list of the minority, and upon coming here would preserve their lives and their properties inviolate? That I shall be this night left in a minority, I have but little doubt, as I had it yesterday from good authority, being so told by a lord of the bedchamber, a wonderfully sagacious animal at smelling out a majority in either House: therefore I have the less reason to regret that the previous question has been moved. Upon the whole, Sir, I consider this measure of raising money by public contribution so impolitic and unconstitutional, that were a bill brought in similar to that passed in the reign of Charles 2nd, authorizing his majesty to receive voluntary contributions, and limiting the sum to be so received, I should oppose it with all my power. Let us adhere to that wise custom of our forefathers, as the best preservative of our independence, the sole right to grant money to the crown. Suppose the House of Lords were to offer out of their private pockets to contribute to the exigencies of his majesty, would you not spurn at the proposal? Even in the less enlightened days of Henry and Edward you would not suffer it, and will you at this period allow your right to be encroached upon at every county meeting?

Mr. *Windham* said, if his right hon. friend was surprised at the charge of inconsistency brought against him, and at a loss to guess who would step forward to support it; he was no less so to think in what manner he would defend himself from that imputation; and now it had taken place, his wonder was removed without his having received satisfaction. In the course of his explanation, he had dwelt much on the authorities with which he had been supported, but had touched very slightly on the merits of the question, and had certainly not made out that difference in the two cases of 1782 and the present, for which he contended. The

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hon. mover, he admitted, had marched fairly up to the question, and had stated it in a manner plain and distinct; so much so, as, unfortunately for him, to overthrow his own position, and render his statement too weighty for his argument; for if any one before had a doubt on the subject, he was sure, after what had fallen from that hon. gentleman, he would feel himself perfectly satisfied and at ease. The hon. gentleman had argued the question on two main grounds: First, on the broad constitutional doctrine, that all applications for money should come to parliament, whose duty it was, not to suffer that privilege to be eluded. Second, that forced loans, usually called benevolences, are illegal. These two positions, Mr. Windham said he wished to be kept distinct, and not to be confounded, as they had frequently been in the course of the debate; arguments having been founded on one, and conclusions drawn from the other. The first of these positions, as a general doctrine, he allowed to be sound and unimpeachable; but he contended, that, like every other general doctrine, it was subject to exceptions, which, if denied, would carry the position much farther than its own advocates seem to be apprized of. The hon. gentleman takes an extreme case, and asks, if we will allow an opulent party to supply the crown in a manner which will destroy the necessary control of parliament? If we say no, and recognise the general principle, he infers, that all grants to the crown, however small or temporary, are equally bad. This mode of arguing is however, a double-edged sword, in the use of which the hon. gentleman will not gain much; for we may argue back on him, that as it is obviously useful, and in fact has often been practised in some cases, therefore it is good in all. As the hon. gentleman admits no modification, and contends that all cases must be equally bad, or equally good, we have as great a right to avail ourselves of this argument as he has. This strict and universal argument, however, though well adapted to questions of law and science, is ill adapted to politics, every question of which is modified by circumstances. To argue from the greater to the smaller case, or *vice versa*, is on this subject equally improper. In politics, no one proposition could be either universally affirmed or denied, though the contrary doctrine had been so much adopted lately, to the great injury of society. His right hon. friend (Mr. Fox) had argued this subject more properly on the spirit of the constitution, which, however, was a question of general utility, and not bound by such a narrow and literal chain of reasoning. Though it is said no qualities can alter the case, and it must be true or false to every extent, this is contradicted by various instances of our history, some of which have been cited this night; as in the case of benefactions for the comfort of soldiers now on foot, and the donations of ships, all which partake of the same nature. Men likewise have often been raised, and the levy money, in each case, is tantamount to subscriptions. Whether the services done were general or special, it makes no difference.—He little expected to hear this measure opposed on such grounds by those who had renounced and disclaimed all belief and confidence in the control of that House, either by means of its purse, or any other privilege, and had long treated it as a chimera which existed only in imagination. But as this control had long existed without their belief it would continue so to do without their support and defence. How can they object to the subscription, when it only annuls that influence they believe already destroyed? Mr. Windham proceeded to draw a parallel between the conduct of the opposition in the present instance, and that of the Jacobites in 1745.—He here took an opportunity to disclaim a sentiment which had been imputed to him, and industriously circulated where it was most likely to be of injury to him; namely, that he had said, "Perish commerce; let the constitution live." This sentiment was never, he declared, uttered by him. Whether the assertion were in itself true or false, he had never made it; it came from a learned gentleman (Mr. Hardinge), but not from him. He contended that the statutes quoted in support of the objection against voluntary loans, related only to forced loans, and were enacted to protect the private right of individuals from the exaction and oppression of the crown in former times, and not with any view to constitutional protection and security. Of all possible dangers to the constitution, surely that is the least to be feared which depends on the voluntary contribution of private property. Every remnant of the former abuse of forced loans was rooted out. The current of that vice is run out, and has expended itself. The

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precedent of 1782 appeared to him stronger even than the present. He examined them minutely together in proof of his assertion. He thought it right in a new projected mode of defence to take the opinion of the country; and this could only be done to any effect before it was adopted. In examining the case of 1782, he thought Mr. Fox had descended to quibble between the expressions, "armed men" and "soldiers," which in common understanding were synonimous. He approved of the previous question for the same reason that he did on the Hessian business. There was no call to decide it. He always asked himself, on any political measure—is it dangerous in itself, or as a precedent? and in the latter view he referred to former ones. A charge has been brought against me of inconsistency, in opposing the American war, and supporting administration at present. I opposed the American war, because I thought it unjust to them and injurious to us. I could not therefore wish them overcome; and after some painful struggles between this sentiment and my natural attachment to this country, I determined not to encourage any measure which tended to make the war popular, but to throw every impediment in the way of its prosecution. To the measure itself I had no objection, but found it involved in doubt, and the old prejudice against benevolences in my favour. This doubt and prejudice I was in common policy bound not to destroy, as they told in favour of that object which I wished on other grounds. If I thought them founded then, which I do not recollect, sure I am that it is more than I can now prove, or than any one else has proved to-night. I cannot but be a little surprised at this new-born zeal for the constitution coming from the quarter from which it does; from those who will not now suffer the most superficial touch upon it, nor "Suffer the winds of Heaven visit its face too roughly." I cannot, however, but dread the proffered service of those late-coming and self-called champions, who now boast of their readiness to step forward in defence of that constitution, which they have attempted to deliver over without remorse to the savage knife of every audacious reformer. Whatever may be its fate, it will owe nothing of its preservation to them, or to those with whom they are associated. What they have professed, the bitterest enemy of the constitution might have done, without any abatement of his views. Their conduct, at least, is equivocal, and their past actions give no weight to their present professions. This unexpected accession of guardians, however, it does not want. I should think poorly of it if it did. The Spaniards have a proverb, "Take care of me against my friends, and I'll take care of myself against mine enemies." Prerogative, we are not to learn, is as much a part of the constitution as any privilege of the House, and a part in the support of which upon its proper footing, the people have as deep an interest.

Sir *James Sanderson* read an account of a subscription entered into by the citizens of London for the use of his majesty, and the better defence of the country, in 1759, when lord Chatham was secretary of state. That great man approved of the subscriptions at the time; which was a sufficient proof of its having been legal and constitutional. Sir James observed, that he thought the measure constitutional, and would give it his support.

Mr. Sheridan briefly replied. After which, the previous question being put, That that question be now put; the House divided:

Tellers.

YEAS	Colonel Tarleton Mr. Grey	34
NOES	Mr. Aldworth Neville Mr. John Smyth	204

So it passed in the negative.

List of the Minority.

Aubrey, sir John	Plumer, William
Baker, William	Rawdon, hon. John
Bouverie, Edward	Robinson, Maurice
Burch, J. R.	Russell, lord William
Byng, George	Sheridan, R. B.
Courtenay, John	Smith, William
Crespigny, T. C.	Speed, Henry
Fitzpatrick, general	Spencer, lord Robert
Fox, right hon. C. J.	Taylor, M. A.
Francis, Philip	Townshend, lord J.
Harcourt, John	Vaughan, Benjamin
Harrison, John	Whitbread, Samuel
Howard, Henry	Western, C. C.
Jervoise, C. J.	Wilbraham, R.
Law, Ewan	Winnington, sir Edw.
Ludlow, earl	TELLERS.
Macleod, colonel	Grey, Charles
North, Dudley	Tarleton, colonel
Philips, John	

Debate on the Earl of Lauderdale's Motion respecting Voluntary Aids for Public Purposes without the Consent of Parliament.] March 28. The Earl of *Lauderdale*

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said, that he had this day to submit to their lordships consideration a few observations, on as important a subject, in his mind, as ever arrested the attention of parliament. There were two points which he would particularly contend were highly unconstitutional. These were the Augmentation of the Forces, and the levying of Money for the use of the Executive government, without the previous Consent of Parliament. In the various regulations for augmenting the forces, and landing foreign troops in this kingdom, our ancestors had been extremely jealous; nor was either ever suffered without the previous consent of parliament. This extraordinary attempt of ministers to raise money without the consent of parliament, could not be borne out by precedent. The raising of a force, as suggested in the circular letter to the lords lieutenant of counties, was anomalous in itself, and very alarming to the country. By raising troops in this unconstitutional manner, the parliament was deprived of an invaluable privilege. What could have induced ministers not to have consulted parliament? Was the exigency so great, or was the parliament so constituted that it could not be trusted? If the plan was even legalised, still, in its present state, it was crude and indigested. The various plans exhibited no one regular system of defence. This augmentation of the army without the consent of parliament, added considerably to the influence of the crown, and every extension of the prerogative threatened the remaining liberties of the country. In the last century, parliament with respect to the present measure, evinced extreme jealousy. There was nothing like the present measure to be found, except in the very worst of times. The precedents on the other hand were many, that showed the extreme jealousy which parliament had ever held on the two points in consideration. He read the opinion of lord Coke, and quoted the different acts from the time of Richard 3d to the 13th Charles 2d, all of which went directly against private aids of any description for public purposes. He then confirmed his arguments by the Bill of Rights, which expressly stated the illegality of such measures. He then came to the precedents. There were various ways of raising forces, but there were only four instances that would, he believed, be mentioned that night; those in 1746, 1759, 1778, and 1782. In the case of 1746, he quoted lord Hardwicke's opinion on the illegality of levying men or money from the people, without consent of parliament. He likewise stated the necessity and emergency of the time, considerations which did not at all apply at present: no more did that of 1759; but in these instances there had been an antecedent communication to parliament. He would not allow what happened in 1778 to be a precedent, and quoted lord Chatham's opinion and conduct at that time. In 1782, the only reason why there was no previous communication was, that it was impracticable. He stated this to be quite a new and unheard of force in Great Britain which these letters recommended, and called their lordships attention to that only legal and constitutional force within the kingdom,—the militia. This established force cannot be called out, even in an emergency, without calling parliament together in 14 days after; and yet, if the measure in question is to be pronounced legal, this new sort of force for internal defence may be called upon whenever it may suit ministers or the secretary of state: a force so indefinite in its nature, that nobody knew a name for it; it was one thing in this county, and another in that. With regard to the opinion of the people, that had been sufficiently evinced by the reception the measure had met with in different parts of the country. In Hertfordshire the proposal had been refused, and also in Essex. In Oxfordshire they had got rid of it by an empty compliment of their confidence in the minister, a quarter from which he might have looked for more solid support. In Warwickshire, those who had met had done what he thought should afford an example to the whole country—they had come to a resolution "that they would support government, and defend the country to their utmost, in any manner approved of, and consented to by parliament." He then noticed the proceeding of the county of Surry, and particularly the advertisement which held forth such hints and insinuations, that they were little short of threats to all who did not agree to the purpose for which it was called. In Scotland the matter had been carried farther. He had received a letter from the sheriff of Berwick stating the proceedings of a county meeting, where they agreed to subscribe according to their landed property, but at the same time thought they had no right to tax those who were absent, without their

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consent, and therefore had written to all such proprietors, stating what they had done from their love of the country and constitution, and asking for their concurrence. Now he, for one, did not approve of their conduct; and on this account was it to be said that he had less love for the constitution than those gentlemen? This doctrine of men being marked who were in opposition to the measures of administration, he saw carried to a greater length the farther he went from the capital. In short, the present measure was nothing but a forced loan—money extorted from the people, from an apprehension of the risk that all those who refused it must run of being reproached with every calumny that malice can suggest. He advised ministers to consider that what they had done rashly they ought to revise coolly. He warned them, if they meant to carry on the war, with the melancholy prospect now before them, not to depend upon the present measure as a suitable resource or expedient for that purpose. They might from an acquiescence in this subscription, derive some apparent popularity to their conduct, but they ought to have the fate of France before their eyes. Let them recollect that the patriotic gifts of that country, which they had esteemed as a resource for carrying on the war, soon produced a forced loan. He concluded by moving, "That it is a dangerous and unconstitutional measure, for the executive government to solicit money from the people as a private aid, loan, benevolence or subscription, for public purposes without the consent of parliament."

Lord *Hawkesbury* would take upon him to say, that the subject had, at all times, a right voluntarily to come forward, and aid and assist, either personally or by money, the executive government in support of a war sanctioned by the voice of parliament. He was surprised that any rational man should come forward, and, under the pretence of defending the constitution from a violation of its letter, attempt to arrest the ardour of the people from preserving its spirit. He did not mean to insinuate that there could exist the smallest attack on any of our most valuable privileges by the measure which seemed so objectionable to the noble earl. Government was only copying the conduct pursued by its predecessors for a long series of years, and which conduct had never been attended with the smallest injury to the constitution. On the contrary, it had been the means of saving it. With respect to what the noble earl had advanced on the subject, so far as his argument went to the precedents of the years 1746, 1759, and 1782, the real deduction made against and not for, his lordship's argument. Troops were then raised and paid by individuals, for the common defence of the empire; and he held, that in times of insurrection and of threatened invasions, government had a right to set such a practice in motion, submitting the propriety of it in as speedy a manner as possible to parliament. The main purport of the question went to this: had a rich man, in support of a war sanctioned by parliament, a right to give part of his substance to the support of that war, in order to ease the burthens of the poor, or had he not? The rich had a large property at stake, and it was but equitable that they should come forward when that property was in danger, and liberally subscribe towards its protection. As to precedents of the 13th Charles 2nd, and the 1st Richard 3d, they were cases not at all in point. The noble lord then quoted all the great law authorities who had delivered their opinions on this point, among whom was lord Hardwicke, one of the most spotless characters that ever presided in a court of justice. These enlightened and patriotic men were decidedly of opinion, that it was legal and constitutional to call in the benevolences of the subject to assist the executive government in cases of danger, submitting the matter immediately after to the consideration of parliament. The case however in the present instance was stronger than this; for parliament had, in a principal measure, voted the necessity of so doing before it was proposed to the lords lieutenant of counties. It was a misstatement to say that subscriptions were solicited by ministers before the counties had decided on the propriety of such a step. Nothing more was done than to desire the lieutenants to call county meetings for such purpose, who might come to a resolution, but who certainly were not to subscribe one farthing until the plan was sanctioned by parliament. Was this an act inimical to the constitution? Did this militate against Magna Charta or the Bill of Rights? Or did it add to the prerogative of the crown? No man could say it was an extension of the royal power, to permit a man to subscribe or not to subscribe as his ideas of the justice of the case led him thereto. There was

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no compulsion in the case, it was an act that left the subject to his own free agency. He asked the noble earl, whether to levy men, in cases of emergency, was an act militating against the constitution? For if it was, then every augmentation of our forces on the present occasion was illegal. For men could not act without something to support them, and yet this was the common practice in time of war. Forts could not be repaired, batteries could not be raised, and ships could not be manned without money, and yet all these acts preceded an application to parliament. What, then, was the present act? It did not raise the money, it only took a step preparatory to that business, nor was it ever in the contemplation of ministers, to raise a corps of men and support them by private subscription. Their conduct was the direct contrary, for the measure of augmentation was constitutionally mentioned in a message from his majesty to parliament, to which parliament gave its unanimous assent. As the motion was totally unnecessary, and might tend to give an idea that ministers had acted improperly in this business, he should move the previous question thereon.

The Earl of *Warwick* said, that what had been done with respect to Warwick, was at a meeting held at the St. Alban's, where there were only a few gentlemen present, and where he had been called to the chair. He had not yet received an answer to the letter he had sent to the high sheriff, but he was sure the gentlemen of that county were too well acquainted with their duty in times of public danger, not to subscribe chearfully to promote the interests of the country, and to conform to whatever King, Lords, and Commons should think proper. He did not conceive it proper to throw obstacles in the way of a measure calculated to promote the general welfare.

The Earl of *Derby* owned that he saw this measure in another light from the noble earl who spoke last. He approved of the proceedings in the county of Warwick, because he considered the sanction of parliament to be the *sine qua non*. As to compulsion, he would ask if there was not more than one sort of compulsion? Might not a man, from many reasons that could not be called compulsion, do a thing he conceived not to be strictly right, rather than expose himself to the reproaches, that, from the temper of the times, he was liable to, if he did not agree to it? He knew that persons had subscribed who disapproved entirely of the measure, merely because they foresaw the manner in which they would be misrepresented if they did not. He considered this requisition, as perfectly against all the statutes that had been quoted. Another objection to this mode, was its uselessness for the defence of the country: the public were not uniform in their opinions: one county was for a regiment of fencibles, another for a company, a third for cavalry; and in this disjointed and confused way, was it possible that such forces could ever be brought to act properly together, upon any emergency? With regard to the appropriation of the sums subscribed, the counties had no information: it was indeed stated, that they were to be under the control of a committee; but what committee? Nobody knew. The precedents that had been brought forward in support of the measure did not at all apply. He stated the opinion of earl Mansfield on the case of 1778, but likewise reminded the House how it was answered by earl Camden. He then said, that majorities were not always in the right: he, for one, had long been in a majority that he would repent of all his life—it was for carrying on the American war; he saw his error amongst the first who did, and likewise saw that majority dwindle into a minority.

Marquis *Townshend* said, that in Norfolk the spirit of subscribing had not been produced by the solicitations of government, but had first shown itself among the people themselves, who were alarmed by the proceedings of the democrats, who, in corresponding societies, were taking measures to introduce all the enormities which were raging in a neighbouring nation. That there were persons in this kingdom who corresponded with the French, and were desirous of introducing their system among us, was well known. He therefore hoped a proper force would be established at home, to be composed of persons well affected to the constitution, and headed by the gentlemen of property. It would also be particularly advantageous that these corps should consist of the middle classes, who must be well acquainted with those in their neighbourhood who might be suspected of disaffection to the constitution, and who, in case of any commotion in manufacturing towns, such as Norwich,

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might be enabled immediately to fix on such persons as would be most likely to promote it. This was an advantage which regular troops could not possess; they could not distinguish between the loyal and disloyal part of the community.

The Earl of *Carnarvon* said, that there was no rule of constitutional law which he held more sacred, than that the crown cannot, by any prerogative, levy money without the consent of parliament. There is no practice that he would more jealously watch than one which should appear substantially to derogate from, or to evade that protection, which the intervention of parliament gives to the purse of the subject; and to give this jealousy its fullest scope, he was willing to consider as illegal all that may be proved dangerous to the security of the purse of the subject, from the influence as well as force of power. But when he admitted this to its fullest extent, he was by no means ready to admit that the consent of parliament is necessary to enable any individual to dispose of his own money in any way he pleases, if the object to be attained by it is a legal object. He agreed, that the true test of the legality of any application of money by private contribution, must depend upon the legality of the object to which it is applied. If it is illegal and dangerous to give money, or money's worth, to the crown for public uses, there is not a day passes which does not witness some such illegal and dangerous practice. There is no law, nor principle of law, nor declaration of parliament, that impeaches in the smallest degree this right which every man has over his own purse: no sentence in any record, from Magna Charta, through the statute book, down to the Declaration of Rights, touches this right of property. Several acts of Edward the first protect the subject from being compelled to pay aids without the assent of parliament. The Petition of Right says, "That no man shall be compelled to yield any gift, loan, or benevolence, without common consent of parliament." If the patriots at that time had thought a real benevolence, or a free gift of any kind to the crown dangerous, they could easily have omitted the word "compelled." The Declaration of Rights confines itself to words of the same import with the former, and asserts, "that levying money for the use of the crown, by pretence of prerogative, is illegal." This is the uniform import of all the statutes, and all the declarations. Let us examine the deliberate opinion of great lawyers upon the subject since those declarations. Mr. Justice Blackstone, speaking of the sacred and inviolable right of property, says, "that no subject of England can be constrained to pay any aids, or taxes, even for the defence of the realm, or support of government, but such as are imposed by his own consent, or that of his representatives in parliament." He states here two modes by which he may bind himself to pay toward the public exigencies, his own personal consent, or that of his representative; he seems not to have imagined it was possible for any man to doubt, whether he could apply his own money to any legal object. But lord Balmarino's trial furnishes us with another high legal opinion, given on a solemn occasion, with a full knowledge that the contrary doctrine had been studiously circulated to discourage the spirited exertions of those times. Lord Hardwicke presiding at that trial says, "that men of all ranks and orders crowded in with liberal subscriptions of their own motion beyond the example of former times uncompelled by law, and yet in the most legal and warrantable manner, notwithstanding what has been ignorantly and presumptuously suggested to the contrary." These are the opinions of men of the most acknowledged legal talents, and of the most unreproached characters; and there is no single law or declaration to the contrary. The noble mover stated that the act of the 13th Charles 2d, by giving an occasional legality to the private voluntary subscription of certain sums of money, for the immediate use of Charles 2d, on his return to his throne, and by limiting the operation of that law to 200*l.* from any commoner, and 400*l.* from any peer, and by a clause reprobating the future practice, as he says, of subscriptions, did explicitly give a parliamentary condemnation of private aids to the crown, and marked that they were illegal without the consent of parliament. But that act professed to be an act of parliamentary supply, and took these private contributions as its basis, and gave to private gifts that certain and full effect, which, without parliamentary concurrence, it could not have, namely, the force of a law, by which the sum voluntarily subscribed could (*non obstante* all the statutes before cited) be constrained,

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and recovered by regular process of law, against the resistance of the subscriber, and thus converted free and precarious gifts into forced benevolences, or, in fact, into legal taxes; and the clause alluded to had no intention to discredit free gifts, but was a salvo against the danger of a parliamentary practice, of converting free gifts into regular taxes, contrary to the spirit of the former laws and declarations, which, in their approved jealousy, had declared, that no man should be compelled to pay free gifts, &c.; and the act of the 13th Charles 2d, therefore, left free gifts and benevolences upon the same footing as if that act had not passed. This statement of the act, which is the true one, certainly cuts to the root that inference, from which the noble mover had raised the sole argument which could give a moment's colour to his doctrine. The noble lord asserts, that it is unconstitutional for the king to solicit money from the subject, and from thence, as a political *datum*, he draws his conclusion, that the papers on the table are illegal; but I have not been able to collect clearly, whether he asserts that it is illegal in the subject to give and illegal in the crown to receive, an aid, or only illegal to hint that it would be acceptable; for he admits that his instances do not go up to those points, except the slender inference he has strained from the 13th Charles 2d. And he seems to say, that it is not necessary to go the length of those positions to reach the present case; but if the noble lord hesitates to go the length of these positions, he must leave the cited instances to prove, that it is legal to give, and legal to receive, what in his opinion it is not legal to ask; which narrows the subject to a slender point, upon which all his dexterity would not enable him to maintain a footing. I do not know whether the noble lord means to deny the legality of all those negociations between the king's ministers and individuals to raise regiments, which have been in constant practice by all administrations in every war, by which great bodies of men have been raised at less expense to the public than by other means. If the noble earl denies the legality of these levies, the constant, unreproved practice, under the eye of parliament (no law existing against it), will sufficiently prove and establish the legality of raising regiments by individuals at their expense, which parliament, in its justice, could not compel, but may sanction and approve, when the treaty between ministers and individuals is concluded, if the nature of the case requires that sanction. If this is legal, and not dangerous, and is the constant unreproached practice, my imagination is at a loss to suggest to itself the shadow of a difference between this practice and that now complained of; by which ministers discuss the subject of a levy, not indeed with a few individuals, but with the gentlemen of every county, who are disposed at their own expense, to raise men, through the medium of the lords lieutenant of their respective counties. Both these negociations are equally between the king's ministers and private individuals, and have for their basis, that the individuals shall find money voluntarily, without imposition by parliament, for the levy of such troops as the king may legally have for the public exigency.

The Earl of *Hardwicke* was desirous of troubling their lordships with a few words in consequence of finding himself in a different situation from many of those who, in their official capacity had received the letters of the secretary of state. Before the receipt of those letters, he understood that it was the opinion of ministers, whose indispensable duty it is to watch over the interests and safety of the country, that further means of defence and security should be immediately provided. Under these circumstances, he thought it his duty to attend the assizes of the county of Cambridge, for the purpose of stating to the grand jury the different plans that had been suggested; and he had the satisfaction to find that the gentlemen present were unanimously convinced of the expediency of increasing the means of defence, according to the situation and circumstances of the county. They agreed also in the propriety of entering into a subscription for promoting that object, for it was evident that of the gentlemen who might undertake the command of the new levies, whether troops of fencible cavalry, or volunteer companies, to be added to the militia, very few would be able to support the expense of paying the bounties that would be necessary, and of defraying other expenses that might arise, for which no allowances are made by the public. The necessity therefore of a subscription was so obvious, that he was surprised at the idea of a subscription being suggested by government, since it would naturally have been

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adopted in every part of the country, as the only method of promoting those objects which are equally interesting to all. But though he conceived the suggestion to be perfectly unnecessary, he could by no means think it illegal; since it could be considered as nothing more than an invitation, in the same manner as the letter of the earl of Shelburne to the different towns in 1782. He thought it impossible to distinguish between the two cases. So convinced indeed was the noble marquis of the legality of the measure, that an express allusion is made to it in the speech delivered from the throne, at the opening of parliament in December 1782. —Lord Hardwicke then adverted to an opinion, on which much stress had been laid, of a noble and learned person, for whom on every account he felt himself bound to entertain the highest respect and veneration; an opinion delivered upon the condemnation of three persons of high rank and consequence, who had been found guilty by their peers of high treason, for having assisted in a rebellion, the object of which was, to subvert the government and constitution of these kingdoms. And it was remarkable, that this opinion, so decidedly pronounced in favour of the legality of subscriptions of this nature, was retrospective, and appeared to have been given for the purpose of dispelling any doubts that might have been entertained of the propriety of acts, the necessity of which no longer existed. Great pains were undoubtedly taken by the tories and jacobites of those times, to obstruct every measure that was adopted for the security of the country, and the suppression of the rebellion; but it did not occur to any man, who was a real friend to his country, and to the government established at the Revolution, that those noblemen and gentlemen who stood forth in support of the common safety, were guilty of any illegal or unconstitutional act. Being perfectly satisfied of the legality of voluntary subscriptions, he should support the previous question.

Earl *Stanhope* maintained, that the king, by virtue of his prerogative, could not keep a single man without the sanction of the legislature: it could not, therefore, be legal to contribute to the support of that man. If a great armed force was necessary for the defence of the country, he would readily concur in raising it; but if arms were to be put into the hands of any large portion of the people, he would recommend that they should be put into the hands of the whole people; a recommendation which was contained in the Bill of Rights, and which he wished every man in the country to follow; and a recommendation which was ably justified in a pamphlet written by a noble lord (Hawkesbury) intituled "a Discourse on the Propriety of Arming the Nation." He deprecated the principle of arming the people partially; for in that case, every man suspected of being a warm friend to liberty might be put in danger, while arms would be only given to associators: in fact, this measure amounted to nothing less than arming one part of the country against the other. He reprobated the prerogative doctrines lately acted upon by ministers. The tyrant's plea, state necessity, had given sanction to many measures which could not be justified. The motion for the previous question was a mere subterfuge to evade the material question. It means this: "You are right, but I don't choose to acknowledge it; neither will I vote against you, for that would subject me to obloquy, by voting against a self-evident proposition." This explanation he thought proper to make for the information of young members. If ministers were allowed to go on with their prerogative doctrines, it was impossible to say where they would stop: we should soon have subscriptions both of Austrian troops and money to take care of us, if Austria was not already too poor to take care of herself.

The *Lord Chancellor* lamented that theoretical questions on the constitution had become so frequent. Their ancestors, in their wisdom, had avoided all abstract questions, and had confined themselves to points of the most clear nature, not thinking it prudent to touch upon those which might admit of contrary opinions. But when an abstract theoretical proposition was couched in ambiguous terms respecting the constitution, it became a subject of extreme delicacy, and to prevent the necessity of coming to a direct negative or affirmative, the previous question had long been deemed the most effectual mode of getting rid of the original motion. In the present instance, he did not think that the question originally moved, could be matter of discussion for that House, and was decidedly for the previous question. He declared, that couched as the question was, he felt himself

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at a loss how to comprehend it. What was it that was complained of? The communication of a plan to the lords lieutenant who were the best informed of the situation of their counties, and the nature of the defence suitable for them. In some corps of cavalry might be most proper; in others, infantry might be preferable. Were ministers to determine what they did not know, and not consult those persons who were the most capable of giving them information? His lordship then took notice of the precedents that had been mentioned. That of 1746 he considered at some length. Twelve loyal and spirited noblemen proposed to raise each a regiment at their own expense, which was accepted. The rebellion had made some progress, and the rebels had obtained some advantage over the king's troops. Parliament was not sitting, but the regiments were raised. Two members of the House of Commons, sir John Phillips, and sir John Hynde Cotton, found great fault with the measure, insisting that it was a scheme to destroy the liberties and constitution of the country. These two members, as appeared in the sequel, had other views than the safety of the constitution: they made it a pretext for concealing motives of a very different nature. When parliament met, sir W. Yonge gave in an estimate of the twelve regiments which had been raised, and demanded their subsistence for four months: no objection was made to the measure in parliament, nor was it found to be unconstitutional. In 1759, little was said on the subject; but in 1778, it had been fully considered. In 1782, it had been proposed and carried into execution in a more complete manner than at present. His lordship next adverted to what had been advanced about arming the people in a mass. He hoped that arms would never be entrusted but under the direction of men of property. From the sad example that prevailed in a neighbouring nation, the danger of such a proceeding was clearly seen. With regard to the question itself, it was expressed in terms extremely ambiguous and unintelligible. He should therefore vote for the previous question.

Lord *Grenville* said, that he should confine himself to one single fact, namely, the manner in which the proposition of the ministry of 1782 was understood by the country at large. He would decline reading the numerous proofs he had collected, unless their lordships should express any doubt of their accuracy, and would limit himself to two of them, which were so directly to the point, as not to admit of doubt or misinterpretation. The first of these was the address which came from the cutlers company of Sheffield, in which it was stated, that the message had been received, and that they had not only embodied themselves for the defence of the kingdom, but had entered into a subscription to provide a fund for that purpose. His second proof was equally pointed, though of a different complexion. The mayor of Yarmouth returned an answer in the name of the corporation, saying, that the freemen of the town were willing to incorporate in defence of the country, but were unable to defray the expense, as their trade had been ruined by the war, and half their ships taken, and because they had already entered into a subscription, at the requisition of government, to erect batteries for the defence of the town, and that batteries had accordingly been erected. Either the requisition of the ministry of 1782 was capable of being understood or it was not. Of the manner in which it was understood, the facts he had recited, and numerous others that he was ready to produce, were sufficient proofs. If entering into subscriptions for such purposes was an unconstitutional act, the then ministry were highly culpable for not immediately informing those who had misunderstood their meaning, of the magnitude and danger of their mistake.

The House then divided: Contents; 82, Proxies, 22—104. Not-Contents, 6; Proxies, 1—7.

Navigation Laws.] April 3. Lord *Hawkesbury* moved the order of the day, which having been read, his lordship said, he had taken the liberty to have their lordships summoned for that day, in order to submit to them a proposition relative to a very material point, the Navigation Laws of this country; a subject of the utmost importance, as it was closely connected with the naval power of Great Britain, and of which our ancestors were so sensible, that it had, at all times, called forth their particular care. The system of those laws, on which so much depended, would on being referred to, be found to have been gradually established by our ancestors. They well knew that a system so important could only rise to perfection by slow degrees. His lordship pointed

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out the manifold advantages that must result to this country, from a due and timely attention to her mercantile marine. He took a review of the Navigation Laws, from the time of Richard 2d to the present period, and pointed out the improvements that had been progressively made. As the law now stood, all ships importing into this country the produce of Asia, Africa, and America, and of Russia and Turkey, must be built in the British dominions; as vessels, made free of the British ports, and three-fourths of the sailors employed in navigating any such ships during peace, must be British sailors; by these means we not only extended our trade, but also provided such a number of sailors for the service of the country in time of war as could not otherwise be collected. The particular occasion of his coming forward to trouble the House was, a circumstance that had recently occurred within his own knowledge. A ship laden with gunpowder, having no other British subject on board than the master, had come into Cowes, in the Isle of Wight: the ship had been very properly stopped, and the Custom-house officer had reported the circumstances immediately to government: and it turned out that the ship had been freighted from a port in Holland with gunpowder for the use of the king of Sardinia, and that upon a reference to the statutes the ship being a British bottom, it was not requisite for her to have more than a British master on board, and that she might be navigated by foreign mariners. This was an evil that called for a remedy; and therefore he meant, before he sat down, to present a bill to oblige all British ships to be navigated by three-fourths of British mariners. He meant the bill not to take effect till the end of the present war, when, as so many thousands of British seamen would be discharged from his majesty's navy, it would be highly necessary to provide a means of exerting their professional abilities at once useful to the country, and to themselves. The next point was, the ships employed in our coasting trade. As the law stood at present, they were obliged to be manned with three-fourths British mariners, and one fourth foreigners. His intention was, to introduce a clause, obliging coasting ships, after the conclusion of the war to be manned entirely with British mariners. because he did not think it consistent with policy to suffer foreigners to become too intimately acquainted with our coasts, and because, as the coasting navigation was the great source of seamen when wanted for the defence of the country, it ought to be particularly the object of parliamentary attention. — Another clause of great importance was that which concerned the out-going ships with the freedom of the British ports; by this we were enabled to know at any time the number of ships belonging to this country, their measurement, the number of sailors employed in them, a particular description of them, and the names of the owners of each ship. Nothing could exceed the utility of such a register; it extended to the sale of such ships as are free of the British ports; but in this it was defective; for though it obliged the parties to make a certificate of the sale, in order that it might enjoy the privileges of a perfect ship, yet this had been sometimes evaded. To show that some additional regulation was necessary, he stated the instance of a ship sold at sea. The ship was sold in the West Indies, and afterwards went from port to port, taking fresh cargoes on board and all the time claiming and exercising the privileges of a British ship. It happened, however, that the ship was at last seized at the port of Savannah, in Jamaica, and the case was heard before the court of admiralty there; that court, by their decision, stated, that no specific time was limited by law for her coming home to be registered in the port to which she belonged. The case afterwards came before the privy council, and lord Camden took great pains in examining the witnesses, and going through the whole of the evidence; and he said, that a ship sold at sea ought to return with all due diligence to be registered, and he expounded his meaning by declaring, that a ship sold at sea might carry the cargo with which she was laden to the port she was bound for, and there take on board another freight, but she ought to take that freight for the port at home to which she belonged in order to be registered; the obtainment of that regulation being a point which it was bound to aim at with all due diligence. What lord Camden had so wisely stated, he meant to make the law of the land.

Having thus pointed out the particular cases that called for further regulation, he called the attention of their lordships to the growing state of our mercantile marine from the time of queen Elizabeth down to the present day. He said, that with re-

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gard to the number of shipping and sailors in England, the first certain account that we have is contained in the enumeration of 1581, when the shipping and sailors were found to amount to 72,450 tons, and 14,295 mariners. The fleet which queen Elizabeth was able to fit out to oppose the Spanish armada, in 1588, contained only 31,985 tons of shipping, which were navigated by 15,272 seamen. It had ever been deemed a very striking contrast, since the fact was first published, that the traders of Liverpool alone fitted out, at the commencement of the late war with France, between the 26th of August 1778 and the 17th of April 1779, 120 privateers armed each with from ten to thirty, but mostly with from fourteen to twenty guns. From an accurate list containing the name and appointment of each, it appears that these privateers measured 30,787 tons carrying 1,986 guns and 8,754 men. From the efforts of a single town, therefore, it might be inferred, that the private ships of war formed a greater force during the contest with America, than the nation was able to equip in the powerful reign of queen Elizabeth. His lordship commented on this important fact, as the best proof of the very great progress in improvement that our navigation had made from nearly the end of the sixteenth century to the present period. There was strong reason to believe, lord Hawkesbury said, that at the epoch of the Act of Navigation, soon after the restoration, the whole ships which annually cleared out from England amounted only to 95,266 tons. The English shipping which were annually employed to carry out the whole annual cargoes from England, may be stated to have been as follows, at the several epochs mentioned:

		Tons of English Shipping.
The Restoration	1663-69	95,266
The Revolution	1688	190,533
The Peace of Ryswick	1697	144.264
The last years of William 3	1700-1-2	273,693
The Wars of Queen Anne	1709-12	285,156
The first of George 1	1713-14-15	421,431
The first of George 2	1726-27-28	432,832
The peaceful Years	1736-37-38	476,941
The war of	1739-40-41	384,191
The peaceful Years	1749-50-51	609,798
The war of	1755-56-57	451,254
The first of George 3, War	1760	471,241
	1761	508,220
The Peaceful Years	1764-5-6	639,872
Ditto	1772-3-4	795,943
The American war	1775-6-7	760,798
The French War	1778	657,283
The Spanish War	1779	590,911
The Dutch War	1781	547,953
The Peaceful Years	1784-5-6	926,780
Ditto	1790-1-2	1,329,979

Such had been the vast augmentation of English shipping, from the epoch of the Act of Navigation to the commencement of the present war. In 1581 an enumeration of the shipping and sailors of England had taken place, when they amounted to 72,450 tons and 14,295 mariners; and it had been stated, that the seamen of the ships registered in the port of London in 1732 were 21,797; but it was to be regretted, that we had no enumeration of the shipping of England which could altogether be relied upon from that of 1581 down to 1787. It was one of the consequences of the navigation act 1786, chap. 60, intituled "An Act for the further Increase and Encouragement of Shipping and Navigation," that a register of shipping was established whereby the number of ships, with their tonnage and men, within the British dominions might be accurately known in any year subsequent to that of 1786. This register shows that the number of ships have been continually increasing since the first account was taken in 1787, and the register demonstrates, that in 1792, England had 10,633 ships of 1,186,610 tons, navigated by 87,569 men which affords an exhilarating contrast with the inconsiderable numbers which England possessed in 1581, when this nation first began to trim her sails on the ocean. This register also shows, that in 1792,

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there belonged to the British dominions 16,079 ships, 1,540,145 tons, 118,286 seamen.

The Bill was read a first time.

Earl Stanhope's Motion against any Interference in the Internal Government of France.] April 4. The order of the day being read,

The Earl of *Stanhope* rose and said:—My lords considering the extent, the object, and the importance of the motion I have to lay before you, I am convinced that no blame will this night attach to me for requesting your lordships to be summoned: as an Englishman supporting the honour of my country, as a Christian in doing the duty of my situation, and maintaining the principles of religion, without which it is impossible that any country can prosper, I this night appear before your lordships. This principle I shall first lay down, that no country can thrive which depends on the miseries of another. My lords, an expression having been made use of, repugnant to every principle of humanity, of religion, and of social duty, I wished to remove the idea of this House agreeing with such an abominable sentiment, as that the ministers of this country ought to interfere in every manner possible to excite civil war in France; and I come fortified against such a sentiment, with the respectable authority of a right reverend prelate opposite me (Dr. Sutton, bishop of Norwich). You will, I am certain, be induced to agree with what may fall from the reverend bench; but this I at least have reason to expect, that none of his reverend brethren will differ from his doctrine; and though there is much of this sermon to which I cannot give my approbation, yet these are sentiments which have made a forcible impression, and have my full concurrence. "The occasions that have given rise to fasts," said the bishop, "are as various as the calamities to which society is subject; dearth, famine, pestilence, and amongst the greatest of social evils, war. It is among the greatest of social evils, because it carries in its train many of those to which I have alluded, and is connected with the worst passions of the human mind. The inclemency of the elements, and the wide waste of infectious disease are less to be apprehended, because less frequent in return than the murderous conflicts of enraged nations. To enumerate the causes of war were a fruitless attempt; and indeed if they were capable of being numbered, the application of them would be matter of still greater difficulty. Wars are often known to the many only by the devastation and ravage they commit, where 'the land before them is as the garden of Eden, and behind them a desolate wilderness.' But the sources from which they are derived, are inscrutable to popular inquiry. Whether they originate from revenge, jealousy, ambition, caprice, policy, or the only legitimate cause of war, self-defence." Such has been the admirable character which a learned and pious bishop had given of war, when appointed to preach a sermon before your lordships! and surely the whole bench of bishops will feel it to be their duty, as followers and teachers of the divine law of Christ to do their utmost to put an end to a war which is thus fraught with so many calamities to mankind. What the motives of this war are, will be impossible for any noble lord to explain. They are really inscrutable to popular inquiry. Every possible motive that could be thought most likely to inflame men's minds has been asserted; and, among others, religion has not been forgotten. "Religion," says the same pious bishop, "has often been pressed into the service of war, and compelled to bear the bloody standard of ambition. Hence doubt and suspicion naturally arise whenever religion is said to be connected with war. In the agitation and ferment of the public mind, inseparable from a state of warfare, it is the especial province of religion to inculcate temper and moderation, and whether elated by victory, or depressed by misfortune, to restore the nation to its proper level."

Here, my lords, temper and moderation are particularly recommended; and that temper and moderation should be exercised in the conduct of this war, is what I particularly desire to impress. I wish you to abstain from those wanton cruelties which were so much condemned when attempted to be practised in the war against America, as contrary to every principle of God and nature. I shall consider this question as an abstract proposition. I wish this night to lay down a rule of conduct, from which his majesty's ministers, in future, shall not dare to deviate. It has been advanced in this House, that if we cannot accomplish our object by force of arms, no expense ought to be spared to excite a civil war in France;

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that is, that we should suffer our ministry to use bribery and corruption to withdraw Frenchmen from the allegiance which they owe their government; and this, not for the purpose of assisting this country, but for the purpose of establishing a government in France, directly in opposition to the will of the majority. This, my lords, is repugnant to the law of nations; and that it is so, I shall prove from the following extract from Mr. Justice Blackstone's Commentaries: "The law of nations is a system of rules, deducible by natural reason, and established by universal consent among the civilized inhabitants of the world; in order to decide all disputes, to regulate all ceremonies and civilities, and to insure the observance of justice and good faith, in that intercourse which must frequently occur between two or more independent states, and the individuals belonging to each. This general law is founded upon this principle, that different nations ought in time of peace to do one another all the good they can; and, in time of war, as little harm as possible, without prejudice to their own real interests. And, as none of these states will allow a superiority in the other, therefore neither can dictate or prescribe the rules of this law to the rest; but such rules must necessarily result from those principles of natural justice, in which all the learned of every nation agree."

I am likewise strengthened in declaring, that such conduct should not be pursued, when I advert to a publication on the conduct to be observed with respect to neutral nations, written by a noble lord, Hawkesbury; that noble lord has said in his publication, that England was so distinguished for a variety of blessings that she should be particularly careful of her own interest; and, in comparing it to others, he felt a noble indignation in contrasting her situation with arbitrary governments. In that pamphlet the noble lord also stated, that the misery of France was so complete, that he did not think that country worth preserving. But, my lords, are we from this to infer, that we should throw chains about the necks of this unhappy people, and harass and distract them by all the horrors and calamities of a civil war? By thus exciting brother against brother, father against son, and son against father, to make their misery perpetual? If any lord should be inclined to pursue such conduct towards this unfortunate country, I will not agree in its propriety; and I glory in widely differing from such opinion. But, my lords, what right have we to interfere in the government of France; what right have ministers to think of dictating any constitution to an unrepresented people? France is not represented by the parliament of England. We have seen, in the declaration of lord Hood, that this country was to establish a monarchy in France; this declaration has been attempted to be done away, by some lords assuring us, that lord Hood and sir Gilbert Elliot only expressed the opinion of their sovereign in favour of the re-establishment of monarchy. You disclaimed in the commencement of the war, any interference in settling the government of France; why, then, do your ministers presume to express any opinion? Is it not the immutable right of every nation to form its own government? We do not represent the people of France: we have, therefore, no voice on the subject. Your ministers say, that sir Gilbert Elliot only expressed himself in favour of monarchy. Curious expression! Did he not endeavour to revive monarchy by force of arms; and did he not wish to obtrude a king upon the French, contrary to their consent? It was no wonder, that the French people should revolt at the idea: they who never knew any thing but tyranny and despotism under their old monarchy, had sufficient reason to be averse to the idea of reviving it.

Much has been said with respect to religion; but let us hear what religion says on the subject of kings. The ancient monarchs were partial to war; and the people of France at present do not scruple to say, that modern monarchs are not less attached to this abominable evil, this scourge of the human race, which produces famine, and which spreads havoc, dismay and devastation, through the unfortunate country in which it is carried on. I would ask the reverend prelates, what says the Scripture? I will inform them. I will read them a passage from a book, to which, when their lordships have any religious controversy, they never fail to refer: "And Samuel told all the words of the Lord unto the people, that asked of him a king. And he said, this will be the manner of the king that shall reign over you: He will take your sons and appoint them for himself, for his chariots, and to be his horsemen, and some shall

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run before his chariots. And he will appoint him captains over thousands, and captains over fifties, and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots. And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields and your vineyards, and your olive-yards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants. And he will take your men-servants and your maid-servants, and your goodliest young men, and your asses, and put them to his work. He will take the tenth of your sheep: and ye shall be his servants. And ye shall cry out in that day, because of your king which ye shall have chosen you: and the Lord will not hear you in that day. Nevertheless, the people refused to obey the voice of Samuel: and they said, nay but we will have a king over us. That we also may be like all the nations, and that our king may judge us, and go out before us, and fight our battles. And Samuel heard all the words of the people, and he rehearsed them in the ears of the Lord. And the Lord said to Samuel, hearken unto their voice, and make them a king. And Samuel said unto the men of Israel, go ye every man unto his city." 1 Samuel, chap. 8. Your lordships may now view in the 12th chapter, the consequence of their request.—"And all the people said unto Samuel, pray for thy servants unto the Lord thy God that we die not, for we have added unto all our sins, this evil, to ask us a king. And Samuel said unto the people, Ye have done all this wickedness; and if ye still do wickedly, ye shall be consumed both ye and your king.

Such is the account which Samuel, by the declaration of the Lord, gave to the people of Israel, about the nature and office of a king, in order to dissuade them from appointing a king. We, on the contrary, affect to know better than the Deity what is good for the French, and are resolved to force upon them a king against their consent. Nay, to accomplish this object, we are to take measures which violate every principle of civilized war, and which tend to the destruction of all society. Every art of misrepresentation has been used, that could impose on the public mind, and every mode of deception practised, that could blind us to the real horrors of the war. But, my lords, what can be so cruel and so unjust, as to cast the chains around the necks of this people? What more inhuman than your endeavouring to support your measures, by exciting such plots and conspiracies? Policy cannot warrant such conduct: the voice of religion exclaims against such interference. I shall be happy this night in having brought forward this motion. I shall free myself from the imputation of agreeing with such a sentiment; and I shall have the pleasure of seeing who those are, who can concur in such a proposition. We are now at issue on the subject of war; from the commencement of it, to the present moment, has been nothing but a system of delusion on the part of ministers. The Scheldt was at first made the ostensible pretext for hostilities; we were told in the last session, that the war would be merely defensive on our part; but what has been the case? Ministers have disclaimed all such intention, and we are at present engaged in an attempt to crush the liberties of France. What, again I ask, has this war been, but a system of delusion? I see no possible advantage to be derived from the continuance in hostility. I am shocked to think that a civilized country should wish to accomplish its object by such barbarous interference. If no regard to character, to honour, to christianity, will urge you to relinquish this sentiment, at least let the fear of retaliation prevent your putting it into execution. I disclaim every idea of interference in the internal government of France. How can you expect that any overture for peace can be opened, whilst you plan such abominable projects? How must the people of that country reprobate conduct which induces you to attempt their destruction in so ignominious a manner? I wish our troops were recalled from their territory. I wish to God something was done to check the confusion that must be the consequence of a continuance of the war. You should feel, my lords, the injury our commerce must sustain; you should reflect, that this country is dependent on her manufactures; her paper currency is a principal part of her support. Take care how you push things too far: you are ignorant what the situation of this country may be, should it have the misfortune of being convulsed. All these circumstances

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should induce you to weigh this melancholy business with unprejudiced hearts. You should recollect, that one of the leading articles of the French constitution is, that France will not interfere, in changing the government of any country, and that she, therefore, will not suffer any country to interfere to change hers. It is not aggression, then, on her part, which excites this resentment on yours. I hold in the strongest disapprobation, the principle of interfering to excite civil war in that country. I hold in my hand a resolution which should I be so happy as to carry, I will follow up with a bill to regulate the conduct of ministry. If in the present instance I should bring in a bill, the title of it would only appear on the Journals; but, by moving a resolution, however it may be rejected the nature and reasoning of the motion will remain. The noble earl then moved his resolution, and said, that as he had begun with a quotation from the sermon of one right reverend prelate, he would conclude with quoting from the poem of another (Dr. Porteus, bishop of London) a passage that did honour to his feeling:

"One murder makes a villain,
Millions a hero; princes are privileged
To kill, and numbers sanctify the crime.
Ah! why will kings forget that they are men?
And men that they are brethren? Why delight
In human sacrifice? Why burst the ties
Of nature, that should knit their souls together
In one soft bond of amity and love!
They yet still breath destruction, still go on,
Inhumanly ingenious, to find out
New pains for life, new terrors for the grave!
Artificers of death! still monarchs dream
Of universal empire growing up
From universal ruin. Blast the design,
Great God of Hosts; nor let thy creatures fall
Unpitied victims at Ambition's shrine!"

The Earl of *Mansfield* said, he was concerned to be the innocent cause of the extraordinary trouble their lordships must have had that day in attending to the noble earl's extraordinary speech. He had not certainly intended to provoke the noble earl's temper by what he had said; he had plunged into Ætna, not voluntarily like Empedocles of old, but unwittingly and without design. It was his intention to say, "that if there were any considerable number of persons in France who were willing to engage with us, to rescue themselves and their devoted country from the horrors of the anarchy by which it was now desolated upon the condition that monarchy should be restored, it was his opinion, not only that we should agree to the condition which they proposed, but that any sum of money, how considerable soever, would be beneficially employed in this service." These were his opinions, and they were such as he did not mean to soften. Probably they were such as would have more weight with the noble earl had they come from him as citizen Mansfield. They who were friendly to the present war had unusual difficulties to encounter. Opinions turned round upon them at every corner. If they said they believed that the people of France were divided among themselves, and that many were only restrained by fear from avowing their genuine sentiments, it was instantly and loudly proclaimed that all France was against them; but when they proposed to put arms into the hands of the friends of sound and real government. What! it was exclaimed, would you excite insurrection in France? To what did the noble earl's motion go? It went to caution the House not to wound Jacobinism; to take care, and not interfere with the cause of liberty. If trampling on all the rights of civil society—if a contempt for that which the most savage nations held sacred—was liberty, France was the freest nation the world ever produced. But he would not prostitute the sacred name of liberty by saying that it existed in France: as well may he apply piety to that people who offered up human sacrifices to Moloch. He said he would not hesitate to move the previous question on the resolution, if he did not conceive that situated as he was, it would come with more propriety from any other noble lord.

Lord *Grenville* said:—My Lords, I confess I never heard any speech with such indignation as that which has just been delivered. Sorry I am to see the noble mover suffering his passions to get the better of his reason. I will not insult your understandings, by replying at large to the noble mover. Your lordships have seen through the object of the noble earl. He would not put the customary motion—he avoided the usual practice; and why? Not because it was necessary for his purpose, but because, by putting it

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in the shape of a resolution, he might have an opportunity of recording his sentiments in the Journals of the House. But if your lordships have a regard for your proceedings—if you would wish to see your Journals pure and untainted, I would recommend, when you have dismissed the motion you will not suffer a resolution thus penned to be entered on your Journals. The noble earl says, he is happy in having brought forward this motion, that he may see who are the friends of such a measure. I doubt not, then, but he will see the entire House against him; and that the people throughout the country will equally condemn his resolution.

The *Lord Chancellor* said, that if he rightly knew the disposition of their lordships, they would be all averse to the entering such a resolution on their Journals. He was inclined to think they would be equally averse to hear it read from the woolsack. He saw the mixture of indignation and compassion with which the noble mover's speech had been received. He was ignorant how to act: if he saw the House favourable to the idea of not hearing the resolution a second time, he would adopt that mode; he thought it would save their lordships feelings if such a course was pursued. If the same language had been held in any other place, or had been committed to writing and distributed among the people, it would not only have excited general abhorence, but have called down the punishment of the law upon the person who had spoken or circulated it. He therefore, with their permission, would omit the preamble, and only put the resolution. He then read the resolution, omitting the preamble.

Earl *Stanhope* said, that this was not his motion. The learned lord had taken upon himself to alter a motion regularly made in that House, by a pen in his place, and to put it in a mangled shape, without any amendment having been proposed. This he conceived to be inconsistent, not merely with the forms of proceeding in that House, but with the freedom of discussion. Even in this curtailed shape, altered arbitrarily by the learned lord, he must support the motion.

The motion then, without the preamble was put and negatived. Lord Grenville then moved, "That the entry of the motion last made be expunged from the Journals," which was carried in the affirmative.

Debate in the Commons on the East India Budget.] April 4. The House having resolved itself into a committee on the Annual accounts presented from the East India Company,

Mr. Secretary *Dundas* rose and said: The particular object for which I last year moved for a variety of accounts relative to the revenues and charges of the British territories in India, and to the state of the East-India Company's trade, being preparatory to a general arrangement, in which the respective interests of the public and the company were to be adjusted, it became necessary for me to extend my observations to the situation of the company's affairs in general, and to the estimates laid before the committee, to show what annual surplus might be expected to result from the whole of the revenues and trade, applicable to the benefit of the proprietors of India stock and of the public. On that investigation, the pecuniary arrangements in the act passed last session for the renewal of the company's charter were founded; and I have the satisfaction now to reflect, that every statement which has since been brought under my consideration has justified the expectations I entertained from the measures I then recommended to the adoption of parliament. In bringing before the committee the state of the East-India company's affairs, I have usually confined my remarks to the receipts, expenses, and debts, at the several presidencies in India; but the arrangement made last year, by which the public are to participate in the surplus arising both from the revenues and trade, renders it necessary for me to examine equally the situation of their affairs at home and abroad. I shall therefore briefly state, as far as the accounts enable me, the actual receipt and charges of the settlements in India for the last year, ending in April 1793, compared with the estimates made thereof by the respective governments, and also with the estimates laid before the committee last session, on which the resolutions then agreed to by this House were founded. In like manner, I shall state the accounts of the receipts and charges at home, together with the amount of debts owing by and value of assets belonging to the company; and afterwards bring the result of the whole in one general point of view. First, as to the revenues and charges of the territories in India.

Bengal.—According to the account,

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No. 1, the average receipts of the Bengal government for three years, 1790-1 to 1792-3, inclusive, amounted to 5,313,490*l.* On the average of three years, 1787-8 to 1789-90, previous to the late war in the Carnatic, as stated last year, they amounted to 5,454,107*l.* The difference 140,617*l.* arises from the land revenues having produced less in the two former years of the latter period, in consequence of a drought prevailing in some of the districts, and from the new and important system which has been recently adopted with regard to the future management of those revenues, and from the receipts from the sales of salt having been lower than they were in the former period, and less than they are likely to be in future.

The next account for consideration, is No. 3, being a comparison of the estimated and actual amount of the revenues and charges of this government in 1792-3, according to which the revenues were estimated at 5,104,920*l.*, and the amount actually collected was 5,526,933*l.* The excess 422,013*l.* arises from the estimate having been formed on the receipts from the land revenues and sales of salt of the preceding year, which fell short of their amount in former years; and of the amount which, there is every probability, will be realized from those articles in future years. The land revenues, including Benares, exceeded the estimated collections by 233,174*l.*, and the sales of salt were more than estimated by 150,579*l.* The opium produced also 24,115*l.* more than was estimated, and all the other articles exceeded the estimate. The charges for this year were estimated at 3,042,367*l.* The amount was 2,956,068*l.* So that the actual amount was less than estimated by 86,299*l.* The greatest difference is in the military charges which were below the estimate 122,753*l.* On the other hand, the charges in the civil department were more by 35,303*l.* Adding the excess of revenue to the deficiency of charges, the actual account is better than estimated by 508,312*l.* The Bengal provinces having produced in this year a nett revenue of 2,570,865*l.*

In the accounts Nos. 1 and 2, the revenues for 1793 are estimated at 5,423,864*l.*, and the charges at 3,245,279*l.*, leaving a nett revenue of 2,178,585*l.*

The land revenues are here estimated about two lacks more than the actual collections of last year; and the revenue from Benares at two lacks less. The receipts from the sale of salt are taken at CRs. 1,04,40,000; but in the letter accompanying those accounts, it is stated, that the sales to September had exceeded that sum by CRs. 2,58,750, and that, on the most moderate computation, the next sale would amount to CRs. 11,60,000 more, being an increase of CRs. 14,18,750 above the estimate; and that this excess arises not from an enhanced price, but chiefly from an increased sale, owing to a greater quantity having been manufactured in Bengal and imported from the coast. The sales of Opium, also, are taken at three lacks and a half below the amount received in 1792-3. There can therefore be no doubt, but that the actual revenues of the Bengal provinces, in 1793-4, will exceed the estimate.

MADRAS.—The accounts from this presidency are, on the whole, very satisfactory: for, although the drought in the circars occasioned a considerable defalcation of revenue in the last year, below what was expected; yet, in other instances, the revenues exceeded the estimate, and the charges in general were regulated with a due regard to economy. The result, therefore, on the whole, presents a more favourable statement of the affairs of this presidency than many I have formerly brought before the committee. In the account No. 6, the revenues were estimated at 2,458,756*l.*, and the actual amount was 2,476,310*l.*, being more than estimated 17,554*l.* But although the excess on the whole is so small, in many of the respective articles, the difference between the estimated and actual amount is considerable. The charges of this presidency, for 1792-3, were estimated at 1,680,286*l.*, and they amounted to 1,963,665*l.* The difference is an excess of 283,379*l.*

By the improved revenues of the Guntoor Circar, and the accession of the countries ceded by Tippoo Sultan, the revenues of this presidency, are at length more than adequate to its expenses; the nett revenue in 1792-3 having been 512,645*l.* In this amount, indeed, a sum of pagodas 4,82,054 received from Tippoo Sultan is included, which is not to be considered as an annual resource; but, exclusive of that receipt, the nett revenue was 319,823*l.* The amount estimated to be received in 1793-4, at this presidency, was 2,232,077*l.* The charges are computed at 1,701,297*l.*, making a nett revenue of 530,780*l.* But it is to be observed,

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that a sum of pagodas 10,04,553, estimated to be received from Mysore in the year, is included amongst the receipts, and the nett amount to be paid by the Nabob of Arcot and the Rajah of Tanjore, allowing for the extra charges on the other side of the account, is pagodas 1,55,933 more than their annual subsidies by the late treaty; if these sums (pagodas 11,604,86) be deducted from the amount of receipts, as being an extra resource for that year only, the other revenues exceed the total charges by pagodas 1,66,463; and therefore, allowing for contingencies, we may state, that the revenues of the presidency of Madras are now adequate to its ordinary expenses. And, considering the accession of the territory of Karical and Pondicherry since these statements were made, this estimate will scarcely be controverted. Indeed, as the Circars recover from the late calamity, we have good reason to expect that a surplus revenue may be realized from the territories under this presidency, applicable to the purchase of an investment of the piece goods of that coast.

Bombay.—The accounts from Bombay are very defective: perhaps the difficulty in making a settlement with our new subjects on the Malabar coast, has retarded their being completed. I am afraid, however, that this cannot be admitted as a satisfactory apology for so much inattention, and such repeated inaccuracies as have occurred at this settlement; and a remedy corresponding to the disease, must be immediately adopted. The latest annual accounts from this presidency are the actual receipts and disbursements for 1791-2, and the estimate for 1792-3, being one year farther back than the statements from the other presidencies. But as these accounts have not been stated to the House on any former occasion, and as I have no better information to enable me to form a general view of the revenues and charges of all the settlements in India, I think it proper to refer them to the consideration of the committee. The average revenues of this presidency for three years, 1789-90 to 1791-2, amounted to 172,212*l.* The revenues for the year 1791-2 were estimated at 178,285*l.* They amounted to 185,214*l.*, being more than estimated 6,929*l.* The charges for that year, being a period of war, were estimated at 1,355,912*l.* They amounted to 1,322,264*l.*, being less than estimated 33,648*l.* Adding the excess of revenue to the deficiency of charges, the actual result was better than the estimate, by 40,577*l.*

Bencoolen and Pinang, &c.—The average revenues of Bencoolen for three years, amounted to 4,434*l.* The supplies to Bencoolen and Pinang from Bengal, for 1792-3, were estimated at 68,000*l.*, and the amount actually supplied was 62,093*l.* Supplies less than estimated 5,907*l.* But besides the above, the supplies to the islands of Andaman and St. Helena amounted to 12,091*l.* The supplies to all the above settlements, for 1793-4 are estimated at 77,000*l.*

General View.—According to these statements, the revenues and charges of the several settlements in India, taken in a collective point of view, were in the year 1792-3 as follow:

Revenues.

At Bengal	£.5,526,934	
Madras	2,476,310	
Bombay	242,316	
		£.8,245,560

Charges.

At Bengal	£. 2,956,068	
Madras	1,963,665	
Bombay	681,569	
		5,601,302
Supplied from Bengal to Bencoolen, Pinang, Andaman island, and St Helena,.....		2,644,258 74,184
Excess of Revenues above the Civil and Military Charges		£2,570,071
The Interest upon the Debts at Bengal paid in the year is	448,559	
At Madras	82,573	
At Bombay	111,244	
Total Interest to be deducted		642,376
Surplus from the Territorial Revenues.....		1,927,698
To this, adding the amount received for the Sale of Import goods and Certificates		489,839
The Total is the sum applicable to the Purchase of Investment, Payment of Commercial Charges, Liquidation of Debts, &c. which by these accounts amounted, in 1792-3 to		£2,417,537

Debts in India.—From the accounts then before the committee it appeared, that the debts owing by the company amounted, in January 1792, to 9,084,551*l.* By the accounts now on the table, the

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amount owing in January 1793, was 7,857,405*l.*, decrease of debts in India 1,227,146*l.* Deducting the amount remitted home, and the bills drawn since the close of the quick stock accounts, 659,548*l.*, the amount of debt actually liquidated in India, in the year 1792-3, appears to have been 567,598*l.* The debts bearing interest, according to the statement of the last year, 6,933,943*l.* By the present account No. 16 6,322,329*l.* Decrease of debts bearing interest 611,614*l.* Annual amount of interest, by last year's account, 592,210*l.* By No. 16 the amount is 517,826*l.* Decrease of annual interest 74,384*l.*

ASSETS IN INDIA.—The value of the assets in India, as stated to the House last year, consisting of cash, bills, goods, and stores, and debts owing to the company, amounted to 7,616,798*l.* The amount of similar articles, per latest quick stocks, was 8,733,796*l.* Increase of assets and debts owing to the company 1,116,998*l.* Adding the increase of assets in India, as above 1,116,998*l.* to the decrease of debts, by remittances home, or paid off by cash, as before stated 1,227,146*l.*, the state of the company's affairs at the settlements in India appears better than in the accounts of last year by 2,344,144*l.*

An improvement to so large an amount in one year could not have been made, in addition to the sums applied to the purchase of investment, by the resources of that country, even assisted by the amount received, or to be received, under the treaty with Tippoo Sultan: a large supply must, therefore, have been derived from another source, and that was the company's treasury in England. The drains from thence, by bullion exported, and the demands incurred thereon by bills drawn, have, in consequence, been unusually great, and thrown a temporary burthen on the company at home, heavier, as I shall hereafter have occasion to observe, than is consistent with their other engagements.

CHINA AND ST. HELENA.—The expenses of the company, at the factory of Canton being merely of a commercial nature, are either included in the invoice of the goods, or form a part of the charges of merchandise at home, and therefore the state of the company's affairs there is sufficiently shown by the balance of quick stock, being the amount by which the cash in the treasury, or advances for the purchase of teas, exceed the debts owing to the merchants. This, including the small balance at St. Helena, was last year in favour of the company 805,955*l.*, and by the latest advices, per No. 25, 1,080,881*l.* Increase of property at China and St. Helena 274,926*l.*

GENERAL COMPARATIVE VIEW.—In a collective point of view the result of the comparison of the company's debts and effects abroad and at home, as stated in the last and present years accounts, is as follows:

Debts less and Assets more in India	£2,344,144
Ditto in China and St. Helena	274,926
Ditto at home	1,257,792
	£3,876,857
But towards this there was raised by an increase of Capital Stock, 2,000,000*l.* Besides which, in the last account of stock per computation there are some Corrections made for Cargoes arrived from India, since making up the accounts in India &c. 207,108*l.* Deducting therefore	2,207,108
the nett improvement in the company's affairs, by reduction of Debts and increase of assets, after paying or providing for the payment of 500,000*l.* to the public, appears to have been	£1,669,749

Such, therefore, has been the prosperous state of the East India company's finances on the whole, that, notwithstanding the defalcation in the sales at home, their affairs appear better by 1,669,749*l.* in the present accounts, than they did in the statements laid before the House last year; and this after providing for the payment of 500,000*l.* to government. A considerable part of this improvement has undoubtedly arisen from temporary resources particularly the sums received from, or owing by Tippoo Sultan; but, independent of that amount, the permanent revenues were more productive than in preceding years. And that those resources will be equally, or indeed more productive, in future, there is every reason to expect from the flourishing state of the company's affairs in India. In whatever point of view their situation is considered, the prospect exceeds the most sanguine expectations that could have been formed

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when I first brought the annual statements under the consideration of this House. For this state of prosperity, we are greatly indebted to the valour in the field, and wisdom in the council, of the illustrious character just returned from India to receive the thanks of his country; a tribute well earned by his indefatigable exertions to promote its interests.

With respect to the continuance of the present prosperous state of the company's affairs in the East, there is no doubt of its being permanent, as far as stability in the course of human events can be promised. All the possessions (the distant islands excepted) belonging to the only European power in that part, from whom we could have any apprehensions of danger, have been captured. The alliance which subsisted between this once formidable rival and our powerful Indian opponent, which has more than once brought our possessions in the Carnatic to the brink of ruin, had already been dissolved: and the effectual check which, under the conduct of the marquis Cornwallis, had been given to the Mysorean power, has since, under the same auspices, been followed by the total annihilation of that of the French on the continent of India. Tippoo, at length despairing of ever being able to accomplish his once favourite object of expelling us from the Carnatic, and finding his expectations of assistance from the natural enemy of Britain frustrated, is no longer misled by the machinations of individuals of that nation. He finds it his true interest to cultivate our friendship: and the first step has been the fulfilment of his engagements to us and our allies. As the victories obtained over this formidable enemy must have raised our military character in the eyes of the Indian powers, so has our exact adherence to the engagements with them, established the opinion of our good faith. Of this a distinguished instance was given by the noble marquis a little before he left that country, which, however great he be as a warrior, and great as a statesman, sheds additional lustre on his judgment for the sound policy with which it was dictated. When it was found that the instalments of the amount to be paid by Tippoo towards the expenses of the war were not delivered to the Mahrattas and the Nizam with the same punctuality as to us, his lordship disclaimed the preference. "However acceptable" said he "so large a sum might be to us in the present situation of our affairs, I will not accept of the money while you are in arrears to the Nizam our ally;" and he accordingly ordered that the company's share should not be received until the allies were satisfied. This effectually checked all Tippoo's hopes of exciting dissention between the company and their allies, and showed that they were inflexibly determined that the terms of the treaty should be fulfilled: and, in consequence, he has since completed his engagements.

It has been hinted also, that the countries ceded by Tippoo would not be found of any considerable value, and that the estimates given were fallacious and enormously exaggerated. The fact, however, has turned out, that the countries on the eastern side of Tippoo's remaining dominions have already produced even more than the sums at which they were valued by him. What those on the Malabar coast may produce we are not yet able to ascertain, not having received the accounts from Bombay; but a letter from the governor states, that it is probable the revenues will nearly amount to the sum estimated. But it has not been only by the brilliancy and value of our conquests, and by our punctual adherence to the stipulations with our allies, that the British name has been raised to its present high estimation in India, during the administration of the marquis Cornwallis: equally qualified to direct the operations of civil government, as to acquire glory in the field, he has suggested and carried into execution a variety of plans for ameliorating the situation of the numerous inhabitants of those provinces; the adoption of which has been naturally followed by the increasing prosperity of the country in general.

One of these measures, for its magnitude, deserves particular notice. It had long been under contemplation to form a permanent settlement with the landholders under the Bengal government, in order that by knowing the utmost demand to which their lands would be liable, their industry might be stimulated to make such improvements as would increase the flourishing state of those provinces. Various opinions were held respecting this plan, and some of those who were best informed doubted its success. The opinion of the noble marquis was decidedly in its favour, and in this he was supported by the government at home. A settlement was at length concluded with many of the

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principal landholders for ten years, and the particulars referred home for approbation. On considering the whole of the subject, it appeared likely to give additional efficacy to the plan, if the settlement were declared perpetual: orders were accordingly sent from home for that purpose, which were immediately carried into execution. At the same time, some internal duties (the Sayer in particular), which were found oppressive to the inhabitants, were abolished. The adoption of these measures occasioned at first a defalcation of the revenues; but this did not excite much alarm. The progress of the settlement was persisted in; and it appears from the papers now on your table, that the revenues in the third year, under this system, have been as productive as the average of any former years gave us reason to expect. With this the prosperity of the country has increased, and with it another source of revenue, the consumption of salt. The receipts from this article may now be stated as likely to amount to about a million sterling per annum. Indeed, in a letter from the secretary of the Bengal government, dated 30th September 1793, lately received, it is stated, that the sale of salt in 1793-4 would amount to one crore two lacks of Sicca Rupees, or more than 1,180,000*l.*, and that this arose "not from an enhanced price, but chiefly from an increased sale." Another measure, which may be considered as the last legacy left by the noble marquis to the people, on whom he had conferred so many obligations, will, by facilitating the means of obtaining justice to all our subjects, tend to increase the internal prosperity of the country. This is the establishment of provincial courts, separate from the collectorships. To these courts the lowest ryots may appeal, and obtain redress from any oppression of their superiors, whether native or European: whereas formerly they could only apply to the collector, who, in some cases, might be a party concerned. As this establishment is attended with an additional expense of rupees 6,11,586, (or 61,158*l.*) per annum, it must certainly prove to the natives how attentive our government there is to promote their welfare.

From this general aspect of the British affairs in India it naturally follows, that the confidence of the natives in our governments should increase, and that whatever is sanctioned by their authority, or depending on their security, should rise in value. This has happened in an eminent degree. In the course of the war, considerable sums were raised by loan at twelve per cent. interest. These loans have been paid off, as also a large amount of bonds at eight per cent.; and promissory notes bearing only six per cent. interest, are now issued at Madras at two and a quarter per cent. premium. This reduction of interest will, of course, produce a considerable saving in the annual expenditure, and in that proportion increase the surplus revenues of the territories in India. It will probably be objected to me, that though this is a proof of the high state of the company's credit, it is no proof of the general prosperity of the country: for it may happen from the declining state of trade, &c. in a country, that no sources are open for the employment of money in a profitable way, and therefore the monied men are content to take whatever they can obtain, as preferring a small interest to none. This, however, is not the case with the British possessions in India. The depreciation of interest has not been occasioned by the poverty of the country, but by means which have contributed to increase its prosperity. The countries ceded to us on the Malabar coast afford new sources of inland and coasting trade; and the country trade to China, perhaps now exceeds its amount for many years past. But the influx of 600,000*l.*, or 700,000*l.*, in specie sent out by the directors during the war, besides considerable sums carried out by individuals to purchase company's paper at a high rate of interest, together with upwards of a million received from Tippoo Sultan, amounting in the whole to near two millions, imported into our territories in the space of two years, would form an addition to the capital in specie, which no increase of trade that could be made in so short a time would employ. The increasing confidence in the company's government, also augments the quantity of specie in circulation, as it induces the natives, who, according to their old prejudices, feared to show their wealth, lest it should subject them to greater exactions, now to bring forward their hoards to purchase land, or to improve the property they already possess, and consequently to increase the general prosperity of the territories in India under our protection. With respect, therefore, to the general state of our affairs in India, they

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fully answer, and, indeed, far exceed the expectations which I held out to the committee last session.

The affairs of the company at home have, undoubtedly, been affected by the existing circumstances of the times. This (as the committee may perhaps recollect) I last year stated would, to a certain degree, affect the calculations I then submitted to the committee; but I conceived that they would not experience any material injury from depredations on their trade. But at a time when government have fitted out so large and formidable a fleet, which requires an immense supply of naval stores, those articles must be enhanced in price, and the expenses of procuring seamen must be considerably increased. The charges of freight have, in consequence, been much greater than they would in a period of peace. The extensive shock which commercial credit felt at the commencement of last year, originating from causes already sufficiently explained to this House, in its consequences, necessarily affected the East-India company: for though their affairs were not immediately implicated in those causes, yet the numerous failures reduced the number of buyers at their sales, and, consequently, lessened the competition necessary to keep up the prices of their goods to the proper standard. As the prices of British manufactured goods decreased, so must the value of East-India articles; for both, in a proportionate degree, depend on each other. Hence the sales in the last year were less than their expected amount, and the goods sold at lower prices. The good effects of the plan brought forward last session for the relief of commercial credit have been extensively felt, and trade has already begun to revive from its sudden depression. Although one market is necessarily shut against the admission of British or East-India goods, others begin to open, and little doubt can be entertained but that the company's sales will immediately rise; and this prospect has, as I have before observed, been already confirmed, by the amount of the first month's sale having exceeded the estimate by 62,734*l.*

It may probably be asked,—if the company's affairs are so prosperous abroad, and improving at home, why borrow money, why apply for relief?—To this I answer, that the company only apply to parliament for leave to raise, on their own credit, such sums as shall be requisite to carry on their affairs: an indulgence to which they are fully entitled under the present particular circumstances. When I proposed the arrangement between the public and the company, it was certainly foreseen, that the increase of dividends to the proprietors, and the payments to government, would reduce the balance of cash in their treasury at home, or prevent so large an amount of debts being paid off as was estimated: but it was not foreseen that the shock which our commerce sustained about that period, would operate to lessen the sales to the extent which took place; nor that it would, in consequence be necessary to postpone a part of the sales, so that a larger amount of the goods sold than usual would remain not paid for at the close of the year. In the annual estimate laid before this House in February 1793, it was computed, according to the large sales estimated to be made from March 1793 to March 1794, that 5,407,900*l.*, would be received in that year for goods sold; but they actually received, as per No. 23, only 4,389,458*l.*; the difference is 1,018,442*l.*, which I have already explained to arise partly from a falling off in the sales, and partly from the large amount of goods sold not being paid for in the year. A defalcation to this extent must certainly have occasioned considerable embarrassment in fulfilling the company's engagements; and it was only by the judicious measure adopted last year, of increasing their capital, that they were enabled to pay off 1,008,637*l.* of India debt, and 1,028,475*l.* of bonds.

While the arrangements established by the late act, were under discussion, orders were sent out to India to put a stop to the transfer of debt home, until the terms should be settled and farther directions given. These orders, however, could not arrive in time to prevent bills from being drawn in India, which, with those then already arrived, amount to near two millions, becoming payable in the last and present year. On considering the total amount of the debts owing by the company, and of the commercial and other property belonging to them last year, it appeared fully sufficient, on renewing the charter for twenty years, to appropriate specifically 500,000*l.* a year to the liquidation of the India debt; for that sum would be sufficient to reduce the debt as low as it would be prudent to reduce it, in about half that period. As therefore a million became due last year, and nearly

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the same sum becomes due in the present, the company could not be in precisely the situation supposed in the act, namely of being liable only to pay 500,000*l.* of India debt per annum, unless the arrangement with the public had been postponed for two years.

But considering the great improvement which had been made in the state of the company's affairs since the war, which ended in 1783, and how much more valuable the possessions in India were rendered by the successful termination of the war with Tippoo Sultan, I had no hesitation in deciding that the proprietors, whose capital had stood the risk of any unfavourable turn which their affairs might have taken during that period, had a right to expect an immediate increase of interest on that capital: and that it would not be equitable for the public to forego their share of participation in the revenues of India for two years, because so large an amount of debt from thence might become payable at home in those years. For if the ordinary receipts should not be adequate to discharge these debts, together with the other payments, it would only be necessary to increase another species of debt at a lower interest, to pay off the transferred debt: and that is what I now propose to the committee, that the company should be enabled to do. In doing this it must be observed, that the directions of the late act in this respect will be strictly complied with, as the debt transferred from India, will be paid off equally as much as the bond debt is proposed to be increased in the present year. With respect to the following year, we know not the amount of bills that will become payable; and, under the present circumstances, it is difficult to determine to what extent the governments abroad should be authorized to transfer the debts home. While the sales of goods increased sufficiently to answer the demands on the treasury at home, there could be no doubt of the policy of accepting all offers for transferring the debt from India at a profitable rate of exchange, to any amount, especially as the rate of interest was then very low in this country, and very high in India. But now, when the sales have fallen off, and the interest of money has increased at home and decreased in India, so that the difference is but small, it should seem more eligible to pay off the debt in India, than to bring it home in the shape of investment, which may lie a considerable time in the warehouse before it is sold. Some mode of remittance must, however, be left for the company's servants in India to bring their fortunes home, otherwise the old complaints of their lending money to foreigners to trade with, will be renewed. For these reasons I am of opinion, that this mode of remittance should never be entirely stopped; as nothing could be more injudicious than the old regulations, by which the company would neither bring home the fortunes of their servants themselves, nor allow those fortunes to be remitted through other channels.

I have before observed, that the amount of goods sold, not paid for, on the 1st of March last, exceeded very considerably the usual sum outstanding, and that the company did not receive in the last year, so much as the sale of their goods amounted to, by 497,669*l.*: I therefore propose, that as they have given this additional credit, over the 1st of March, to the buyers, that an equal credit in bonds shall be given to them, in addition to the 1,500,000*l.* stated in the act, and that they shall be empowered to continue their bond debt, at its present amount of two millions. And as they paid, in the last year, of the India transferred debt 1,008,637*l.*, besides 567,598*l.*, which, as before stated, appears to have been paid off in India in 1792-3; and as they estimate to pay off the same debt in the present year, to the amount of 972,126*l.*, making together 1,980,763*l.*, which is 980,763*l.* more than the 500,000*l.* per annum appropriated in the act for the liquidation of this debt; I shall therefore propose to the House, in conformity to the petition just presented from the company, that they be enabled with the consent of the commissioners for the affairs of India, to issue bonds to the amount of one million more if it shall be necessary, making the limit of their bond debt, three millions sterling, and that they be not bound to reduce it again lower than two millions.

Mr. Dundas concluded with moving various Resolutions pursuant to his speech; which were all agreed to.

Debate on Mr. Harrison's Motion for taxing Placemen and Pensioners during the Continuance of the War.] April 8. Mr. *Harrison* said: Sir; The motion I shall have the honour to submit to the House, has neither for its object the depriving

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the servants of the crown executing the business of real efficient stations, of the due and proper recompence of their services; nor does it go to deprive those who enjoy emoluments, either by pension or sinecure place, as rewards for past services to their country, of that mark of the public beneficence, which it has been thought proper to bestow upon them. Nor is it my wish to abridge the bare competency which many may enjoy, even though there may have been no public service for its foundation, or official duty as a reason for its continuance. Much less is it my wish to withhold any part of the moderate salary of those discharging the duties of any official station. Therefore, it is not my intention that pensions or sinecure places, not exceeding 200*l.* per annum, or any efficient place, not exceeding 500*l.* per annum, should be at all affected by the bill I purpose to bring before the House. But I think even efficient places above that amount may, at this crisis, give, without hardship or injustice to the individual holders of them, some part of their income to the public service, as well as the landed interest of the country, which, his majesty's ministers have told us, it is natural to suppose will stand forward upon this occasion with general subscriptions, for the purpose of carrying into execution the measures that the exigency of the times require. I know there are some who perfectly agree with me in sentiment as to pensions and sinecure places, who entertain some doubt of the propriety of any reduction of the emolument of efficient ones. That the labourer is worthy of his hire I admit in the fullest extent; if he is not, he ought no longer to be employed in the vineyard. But still, there is no reason why he should not submit to some diminution of his income as well as every other person, from the consequences of the war, during its continuance. I will put the instance of a person having an income from landed property, of 5,000*l.* a year: he will find his income at least a fifth short of what it used to be. Why, then, should not a man who has a place of 5,000*l.* a year, have his income reduced to 4,000*l.*? Why is he to be exempt from the inconveniences of the war, which every other description of persons must submit to?

The second class, or those pensions or sinecure places, held without any service annexed to them, above the value of 200*l.* per annum, I think may, without any hardship or injustice, contribute a much larger proportion to the service of the public, than those under the first class: I should think half of the nett produce of such pensions and sinecure places, above 200*l.* a year, may, during the pressure of the war, be applied to the public service. The third class of persons stands in a very different light from either of the other two,—I mean those whose inordinate thirst to obtain as much as possible of the public emoluments for themselves and family, has made them get packed together a number of sinecure places or pensions, that they may be heaped upon one person, to be held, as it were, *in commendam*, with other efficient offices, to which large salaries and emoluments are annexed. I have no difficulty in saying, that in such cases, the public ought to have a right to apply the whole of such pension or sinecure place to the services of the state during the war. The salaries to the efficient places are fully adequate to the service required, and therefore there can be no reason why the holders of them should have such great additional emolument. However, all the above descriptions must be subject to some particular exceptions; as the judges of the land, the speakers of both Houses of parliament, ambassadors to foreign courts, decayed officers of his majesty's army and navy, and their widows.

Having now explained the general principle upon which I mean to found the bill, I will point out the use and expediency of such a measure at this particular time. I will first speak of the use and expediency, as it will assist the resources of the public. It is but too melancholy a truth, that the unbounded extent to which the expenditure of the country has been, and, as we are told, is still farther to be increased, must exhaust every resource that the nation can possibly produce. When ministers are pressing for benevolences, even at the expense of the fundamental principles of the constitution, surely we may venture to take a reasonable part from the income of those whose income arises from the benevolence and purse of the public. Another advantage that will arise from the servants of the crown, and those immediately connected with the court, being thus publicly called upon to contribute a portion of their salaries and emoluments at this juncture towards the service of the state, is, that it will make the people at large more contented

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under the weight of those burdens, which at present they are scarce able to bear. There is another reason, which weighs strongly on my mind for pressing forward this measure at the present moment. I think that ministers and their friends, feeling in their own persons the distressing effects of the continuance of the war, may be the more hearty and strenuous in their endeavours to put an end to this unfortunate war. But how much the reverse is the fact, as the case now stands! Ministers are the last to feel the oppression of the burdens they bring upon others. Whether it is peace or war, their incomes are the same; whether trade goes on well or ill, it matters not to them. Whether the want of employ amongst the manufacturers makes a stagnation in the market for the produce of the land for their subsistence, or of the raw material for their employment, they feel none of the inconveniences attending it. The harvest of their fields, the golden fleeces of their flocks, are sure of a ready market, undepreciated in value, however much the property of others may be diminished, however the weekly earnings of the manufacturer may decrease, till from having abundance to supply the wants and desires of his family, he becomes a burden to the very parish which his industry used to benefit and enrich. That such is the case, we have but too strong an instance in the increase of the poor-rates in every manufacturing town in the kingdom; perhaps in none more than the city of Norwich. Thus indeed has perished commerce, under the baneful counsels that prevail! Yet if this poor manufacturer complains, he is called factious. I wish gentlemen to bear in mind, that the calamities of another country have first sprung from the unbounded corruption and prodigality of the court. Let them not show an unwillingness, by resisting this bill, to assist in lightening the burdens on the people at large.

I propose, that the bill shall not include any pension or sinecure place under 200*l.* per annum. That one-fourth part of the nett produce of all efficient places above 500*l.* a year, after all the present existing deductions are discharged, shall be applied to the public service during the continuance of the war. All pensions and sinecure places, above 200*l.* per annum, to pay one half of the nett amount to the public during the war, except where such pension or sinecure place has been given as a reward for some eminent service rendered to the public. All pensions and sinecure places in the hands of those who hold other efficient places, shall be wholly applied to the service of the public during the war; allowing to the deputy his accustomed stipend for executing the form of the office, where no real official service is required. The exception to go to the judges of the land, the speakers of both Houses of parliament, ambassadors, decayed officers of his majesty's army and navy, and their widows. The act to be in force during the continuance of the war. I have endeavoured to follow precedents that have passed the House. I am happy when I look to your Journals, to find I am only following the example of other well-wishers to their country. In 1691, it was on a motion of admiral Russel, resolved *nem. con.*, that all places above 500*l.* a year should be applied for the service of the war. Much to my satisfaction, I find the servants of the crown at that day holding offices to be affected by it, standing foremost in support of the motion; and I do hope those in the same situation will come forward in support of the present proposition. I may hear, perhaps, that the emoluments of office are as much the property of the holders, as the property of any other individual. A nation may, like an individual, in the flow of prosperity, be liberal to profusion; but when the day of necessity comes, he may be obliged to draw back a portion of his liberality, and follow that sound doctrine in equity, that a man ought to be just before he is generous. As guardians of the public purse, we ought to be just to the necessities of the state, before we are profusely generous to the individuals that compose it. I shall now move, "That leave be given to bring in a bill for the purpose of appropriating a certain part of the emoluments arising from Pensions and Sinecure Places, for the service of the public, during the continuance of the war, at the disposal of parliament; and also for the purpose of appropriating a part of the emoluments arising from certain efficient places, amounting to more than a specified sum, to be applied to the same purpose."

Mr. *Coke* of Norfolk seconded the motion, and returned his sincere thanks to his hon. friend, for bringing it forward at a period when our resources were at so low

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an ebb, that it was thought necessary to extend them, by means of voluntary subscriptions, and unconstitutional benevolences. He did not think that those who were the advocates of that measure could refuse to concur in the present, as well as those who thought the prosecution of the war so necessary for the security and preservation of our constitution. The county which he had the honour to represent was very much dissatisfied with the war, and the great and opulent city of Norwich had severely felt its effects; the poor-rates, which in no other war ever exceeded more than 17,000*l.*, this year amounted to the enormous sum of 21,000*l.* He sarcastically complimented the minister on his constitutional principles and very conciliating disposition, and had no doubt he had patriotism enough to give up all his sinecure emoluments for the public service, by way of animating others to follow the example.

Mr. *Drake* reprobated the motion. He said he observed in it as well as in many others that had lately come from the other side of the House, nothing but a querulous spirit, a peevish desire of embarrassing administration, and the absence of all motive, that should actuate public men to make such a poor and pitiful proposition as the present, to defend the good cause in which we were engaged. High as his opinion of the private character of the hon. mover was, it was with regret he at this time heard the war in which we were engaged pronounced to be unjust, unprovoked, and dishonourable; a war which he considered as undertaken upon principles of sound policy, substantial justice, adamantine honour, necessity, religion, security, property, morality, and vitality. Was it a time, when the ardour of the nation was outrunning, by voluntary contributions, the demands of government, and exhibiting to France and Europe a specimen of its power and its vigour, sufficient to strike dismay to the hearts of its enemies—was this a time to have recourse to such pitiful and such paltry expedients? "Non tali auxilio nec defensoribus istis tempus egit."

Mr. *Hobart* admitted, that the poor-rates for the last quarter, for Norwich, might have been at the rate of 20,000*l.* per annum; but he observed, that at Christmas last, there was no one in Norwich who had a mind to work, who could not have procured employment; though, by an arbitrary edict of the empress of Russia, certain Norwich manufactures were prohibited from being imported into her dominions; in consequence of this edict, the manufacturers, to the number of 10,000, had been thrown out of employment. This, and not the war, was the cause of the increase of the poor-rates.

Mr. *Hawkins Browne* conceived the motion to have four grounds; first, that the war was unnecessary: he thought if there were no other ground of objection to the motion, that was a sufficient one; because in agreeing to it, they must contradict the several resolutions and addresses on the Journals. The next point was that of voluntary contributions: he contended that, now the public spirit was called forth, it was not proper to distinguish one particular set of men from the rest of their brethren, by making their contributions compulsory, whilst those of the others were voluntary. He ridiculed the idea that it would induce the ministry to put a more speedy end to the contest with France, and contended, that what the minister enjoyed, was no more than the well-deserved reward of the application of those talents to the service of his country, which, applied in any other way, must ensure him an ample fortune. The precedents quoted by the hon. mover, did not apply, as the expenses of the present day exceeded those of the period of 1691 so much, that a man could afford, at that time, to live better on 500*l.*, than he could at the present day on 1,000*l.* He reprobated the motion as useless and unnecessary.

Mr. *Montagu* thought the motion of a dangerous tendency, as it went to confirm the opinion which had been so much promulgated in various seditious publications, that a greater sum was paid for the government by the people, than such government was worth. He entered into an eulogium of the talents and great exertions of Mr. Pitt, for which he thought no sum of money was an adequate compensation. He admitted his partiality for the right hon. gentleman, but wished to know if gentlemen on the other side had not similar attachments, and did not think some talents could not be too highly rewarded.

Mr. *Curwen* said, that particular men were not the object of the question then before them; it was of a general nature. The charge of corruption against members of that House, existed upon their

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Journals; where it was directly said, that they had not come into that House to serve their country, but under corrupt influence. And whence arose that corrupt influence? Assuredly, from the existence of sinecure places and pensions. He contended that those who proposed voluntary contributions, and great personal exertions in the present war, could not object to the present motion. It appeared necessary at this alarming crisis, that the disposition of the burthens should be equal, since every individual would bear his load more contentedly, when he perceived it to be the common lot of all.

Mr. *Burke* said, the present proposition was of so singular and unprecedented a nature, that he could hardly believe the hon. mover was serious in his mode of treating it. Undoubtedly, the great merit of a jest was, the serious carriage and deportment of him who was the author of it, who, while he made every one around him laugh, preserved himself a grave aspect. The hon. mover seemed to possess this talent in an eminent degree; for he had, in the most grave and serious language, brought forward a proposition at which he must not only laugh inwardly himself, but must know that others would laugh openly. The motion seemed to be of a twofold nature, and might be considered in two points of view: first, as a question of charity, and, secondly, as a question of policy. It was held out as the charity to relieve the distressed manufacturers of the country, but the policy was to relieve the distressed manufacturers of acts of parliament. He had supposed, that when the hon. gentleman brought such a motion forward, which was to be an object of revenue, and was to go in aid of the resources of his country, that some calculation would have been produced to show how much would be saved to the country by the proposed retrenchment. But no such thing had been done. The charity was to be applied, he supposed, to the manufacturers and their friends out of parliament, some of whom might be members of parliament, for ought he knew, in want of employ. "Materiam superabit opus." Having hunted this varying Proteus in every shape, they now pursued it to Norwich. Why was Norwich the particular object? What had become of the poor Spitalfields weavers, for whom they had so lately raised subscriptions? What had they done? Or why had all the kingdom so sunk in consideration, that Norwich only drew compassion? The gentlemen were very compassionate indeed, especially to the poor: but their compassion reminded him of the late queen-mother, who, when Somerset House was building, used to look at the prospect on the Surry-side of the water, and think of their poor inhabitants,

——— "Whose dwellings lie
"First in her care, and always in her eye."

He asked what benefit could, on a reasonable calculation, be expected from this new system of finance? He conceived the whole to be a mockery, and that the money raised by it would not even purchase small beer enough for the poor of Norwich for the supper of a single night. The proposition in itself he considered to be of the most dangerous kind, as it went to a direct invasion of the rights and properties of individuals; for the emoluments of places held under the crown were possessions as sacred as that of any landed property in the country, and a motion might as well be made for taking a certain part of the property of a man who possessed ten or twenty thousand a year, which might be considered as a sinecure, as he had done nothing for it; in fact, every man who held any place of profit, by a legal title from the crown, had as good a tenure as that by which the hon. gentleman and his friends dared to bring forward and maintain such a motion —[Here Mr. M. A. Taylor appealed to the Speaker. He said he thought every member had a right to make a motion in that House; and parliament had then the right to dispose of it. When such language was used as that they had dared to make a motion, he certainly would call to order, and by his legal information he knew that he was authorized to do so. The chancellor of the exchequer said, that when his right hon. friend had used the word that appeared so obnoxious, it seemed to him that he meant nothing more than the rashness and indiscretion of the hon. gentleman who made the motion. The Speaker said, he was himself in doubt whether he should have called the right hon. gentleman to order when he used the term; but an idea that it was used as the chancellor of the exchequer had explained it, prevented him.] Mr. Burke thanked the Speaker for his candour, and proceeded. Since the word dare was so exceptionable, he said, and

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as he was not that great Mr. Dare of whom every body had heard so much, he would not dare to provoke those daring and courageous gentlemen again to call to order. He would call, then, their wisdom and moderation of relieving the poor (words to which they could not have objections) a more dangerous and ruinous proposition than he had ever heard of. He not only avowed his contempt, but abhorrence, of this dreadful beginning, which opened to a more fatal issue. These gentlemen, in their wisdom and moderation, and through compassion for the poor, were beginning the same plan for the destruction of all property as had been begun in France. There the first steps began on the pretext of relieving the poor, by the abolition of places, and the robbery of the clergy; next after that came on the seizure of landed, and afterwards of monied, property; so that at length things were come to such a miserable pass in that unhappy country, that a peasant could not call a basket of eggs, nor a pail of milk, his own. He would, therefore, always negative every beginning that had a tendency to shake the settled order of things. The present appeared to him to be a dreadful beginning. It was also a useless one. It was beggary assisting beggary, and perfectly ridiculous. He compared it to an egg, which was, indeed, but a paltry thing, but no one could tell precisely what an egg might produce.—He wished gentlemen to state what the places were that were to be thus taxed, and what the sums would amount to. He was sure that if the government had no better resources than these, they must soon put an end to the war. When he considered the efficient offices, he considered also the dignity of necessity attached to them. Ministers were fugitive beings; here to-day, and gone to-morrow. Mankind itself was so, and therefore efficient offices must have efficient means, or the business would be neglected. A state must be supported by abilities, and abilities by rank and appearance. There was an old-fashioned author, whom he supposed the hon. mover would treat as a strange, dogmatical, contemptible fellow—he meant Livy, the historian—who, speaking of some foreign ambassadors that had arrived at Rome, says, "Our nation may be the poorest upon earth, it is true; but what magistrates or ambassadors of any country ever made a more noble or a more dignified appearance?" They were convinced that the dignity of the nation should be maintained, whatever might be the poverty of the people. Let any person reflect within himself, whether he would give the same wages to his game-keeper as to his footman, to his footman as to his groom. Does any gentleman give the same wages to a boy in his stable as to his cook, who entertains his friends when they join in festivity with him? Men in office must support their rank; they have expenses of a different nature to those of ordinary people; they have the condition, dignity, duties and importance of their situation to attend to. Thus, then, a first lord of the treasury, the chief and most important office belonging to his majesty, was to receive no more than 2,000*l.* a-year. For his part, he believed the salaries of the servants of the crown were far from being adequate to their services; the crown had no mode of providing for them as formerly, as lord Salisbury and other great ministers had been. He instanced lord Somers having at one time received 35,000*l.* for his services, and deservedly. He was not able to set any precise value upon the abilities of any man. What could any man think would be an adequate compensation for the entire application of such talents as Mr. Erskine's, which he (Mr. Burke) certainly rated very high? He could not form any judgment upon the matter. He, therefore, that would hold out such a dangerous doctrine as the present, only robbed the poor, and unhinged that structure which protected them. If those gentlemen, who pretended to be such friends to the poor, would club together, they could raise more from their own private fortunes than could be gained by the proposed bill.—He contended, that as a matter of resource, the measure was trifling and inadequate; as a matter of policy, mistaken. It had not even the merit of being original: one similar to it had been formerly proposed, and he opposed it, as he would the present, which was vain and futile, tending to injure the poor; since it could have no other effect than that of making them believe that government was doing every thing to plunge them into misery for its own ends. If the poor were to be relieved in no other manner, then let them submit to the will of God. No persons

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were more deserving of rewards then labourers for the public. To take from the present labourers, he thought, would be a great injustice; and he verily believed that were the proposed bill to be adopted, the printing and paper would cost more than every thing that could be gained by it. He also considered the motion as delusive to the people; and supposed, that, if Russia should again give orders for the importation of Norwich manufactures into her dominions, ministers were to have their salaries back again. It was curious to observe, that the accidental and fluctuating circumstances of manufactures and of commerce were always made a ground of imputation on the executive government. Must the constitution, and the regulation of the state, be suspended every time that any foreign power chose to prohibit the importation of any manufacture, which might occasion a temporary distress? Money was not the means whereby distressed manufacturers were to be relieved; to give them money would be to make them idle, and prevent their return to industry. If they chanced, by misfortune, to fall into poverty or distress, their sole relief must be from Heaven.—Mr. Burke, in the course of his speech, said, in answer to a sarcasm thrown upon the minister's mode of coming into power, that it mattered not how he came in, or how he would go out, as far as related to the present subject. It was the peculiar province of the crown to measure and distribute the proportion of rewards to the merits of its servants, and he was astonished that the House should be called upon to interfere in a matter not within the scope of their ordinary functions. In his time he had seen many great men leave the stage with lean and inadequate fortunes. Perhaps it was expected that great men should serve the public as they are commanded to serve God Almighty, "with all their heart, with all their mind, with all their soul, and with all their strength." He concluded by observing, that he came down to that House as it suited his humour; that he gave his opinions backward and forward without control, *pro consilio defensu*, as well as *se defendendo*; therefore he should reprobate the motion *in toto*.

Mr. *Sheridan* said, that notwithstanding the singular language held by the right hon. gentleman he would dare to defend the measure proposed. Before, however, he proceeded to discuss the question, he could not avoid congratulating certain gentlemen on the other side of the House, on the silence which they preserved upon the occasion, and which appeared so characteristic of those sentiments which no doubt they would evince by their decision. If they had been silent however, they did not appear absolutely void of sensibility; for when the hon. gentleman stated to them a precedent in justification of his motion, they stared, as if they had heard of some antiquated tale of the virtuous days of Greece or Rome, not of an instance of the conduct which this country had ever adopted. Adverting to the arguments just advanced by the right hon. gentleman, he confessed he felt a degree of astonishment inconceivable; and particularly so as coming from him of all men living; nor could he, without having heard him, have believed it possible he could possess so absolute a forgetfulness of transactions in which he had himself shone so conspicuously. The right hon. gentleman had rebuked the seconder of the motion for noticing the mode in which the minister had come into power, and said, of what consequence was it how one came in, or how he went out. Did he himself so totally forget those sentiments which he had so firmly recorded, and by which he had branded to all posterity the mode in which that minister had come into possession of his present situation? He had expressed his astonishment at the idea of that House attempting to measure the proportion of rewards which the crown was to distribute. Did he again forget that he had himself done precisely the same thing when he brought forward the bill known by his name, and which reflected so much honour on him, for regulating and limiting the civil list of the crown; and in which he had restricted the amount of the salaries or rewards which were to be annexed to various offices; among the rest, to his own, of paymaster to the forces, which he reduced to 4,000*l.* per annum? In like manner, and upon the same principle, did the minister act upon a former occasion, when he limited the salaries of the first lord of the treasury, the secretaries of state, and other great officers; in both instances trenching upon the asserted right of the crown. But did the right hon. gentleman mean to assert, that the crown possessed the sole right of judging what rewards were to be bestowed upon public servants?

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Then he would ask him, who it was that is obliged to pay those rewards? He had put the case of a private family, and asked whether the master was not the proper judge in the distribution of rewards; and if those rewards should be the same to all classes of his servants? He was ready to adopt the principle of his comparison, and to agree, that in both cases, those who pay, were the proper judges of what should be paid.—The next principle upon which the right hon. gentleman opposed the present motion, was, on account of the discontent which the exposure of the numberless places now enjoyed, might occasion throughout the country; and yet, what was the leading feature upon which his bill proceeded? To show the evils attendant on enormous places, and to produce reform in those evils by abolishing a number of those places. Where was his tenderness, when he set so many adrift unprovided for and unprotected? The public good he called it, which he then considered as paramount to every other consideration. The right hon. gentleman ridiculed the motion, because he conceived the saving it would produce would be but trifling. Did he himself consider the saving which his bill was to produce, as forming no object of attention? And yet, the utmost extent of savings under that bill was contemptible, and as nothing, compared to what might be produced by the measure now proposed. He talked of these savings not affording the poor of Norwich small beer to their suppers. They must be great swillers indeed if that were the case: but, in fact, if well applied, they would afford a comfortable support for a great share of the poor of the whole kingdom. A short view of the detail of those places would readily establish this fact. In the first place, there was one single place, the auditorship of the exchequer, that had been enjoyed by a nobleman of considerable private fortune, from which he must have realized near half a million sterling. He reprobated the practice of those, who, upon all occasions, particularly parliamentary reform, reprobated any attempt at amendment, under the pretext, that a measure good in itself, might be productive of mischief, by being carried too far. If every thing we held dear was at stake, was it so preposterous to call on those who gained most by the present system, to give up part for the preservation of the remainder? If, as was asserted, it was necessary for our existence to conquer the French, we must do it by beating them at their own weapons, and, like them, it would be necessary to make considerable sacrifices. Now, a noble lord (Mornington) had, upon a former occasion, stated, that property to the amount of 400*l.* a year, was effective only to the amount of 120*l.*, and he wished ministers and gentlemen holding places to adopt this proposition, which at four years purchase, which he should be glad if it were the longest duration of the contest, would produce no inconsiderable income. For instance, if a noble cousin of the minister's (the marquis of Buckingham) out of his place as teller of the exchequer were to give up 8,000*l.*, a year, that in four years would make a sum of 32,000*l.* Another cousin too (lord Grenville) might apply 4,000*l.*, the amount of his place of ranger of the park, which he affected not to receive, but which, notwithstanding, he would assert was in fact no saving at all to the public. The other secretary of state, out of his multiplied places of treasurer of the navy, president of the board of control, &c. might devote the profits of one at least of those places to the same patriotic purpose. To these might be added, with singular propriety, a part of the profits of the gentleman (Mr. Rose) who was so expert at calculation; and who upon this subject possessed an experience and a source of knowledge not inferior to any of them.—He had just had put into his hand a list of the places enjoyed by Mr. Rose, but which, as being too long, he should decline to state. However, upon a cry of "Read, read!" he proceeded to enumerate them as follows: clerk of the parliament; master of the pleas office; surveyor of the green wax; secretary to the treasury, a place, no doubt, well known to many gentlemen of that House. Here hesitating, and the cry of "read!" being repeated, he wished to know whether gentlemen were not sufficiently satisfied, after having heard four enumerated; in fact, there were two more on the paper, but being written with a pencil, he could not make them out.—The minister was much in the habit of boasting of the flourishing state of our commerce during this war; but he denied that this boast had any real foundation, if we attended to the difference between the present and late war. Then we were at war with four nations, whose maritime exertions were individually powerful: now

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we had to contend but with one whose marine was at least crippled, if not annihilated. The state of our manufactures, was a boast equally unfounded; for the observations of the hon. seconder was not confined to Norwich, but extended to the whole kingdom, throughout which the manufacturers were starving, and who could be rendered serviceable only by being made a soldier of again. That House had been every year accustomed to hear the minister make a display of the reduction of the national debt. Now, he would ask, when any thing substantial in that way was to take place? The answer was obvious: it was a dream which never could be realized. By the promises held out, we were to arrive at a peace establishment; that is, our income was to equal our expenditure, beside the annual million, towards the reduction of the debt, and the 200,000*l.*, surplus. That period, notwithstanding these splendid promises had never yet arrived; and he would affirm, in the most positive terms, never, by the event of this war, could now be expected; because, if peace were established to-morrow, our establishments would be considerably higher than ever. And would the minister say, that our resources would increase in any proportion? He was sure he could not. To those who were alarmed with the idea of the novelty of the present motion, he had to remind them, that in February 1783, the present chancellor of the exchequer moved, in conformity to his majesty's speech, for leave to bring in a bill, which was, in effect, but a continuance of that which reflected so much honour on a right hon. gentleman (Mr. Burke). Of precisely the same nature was the present motion. For these reasons he gave it his decided support.

Mr. *Rose* said;—The rebuke for my silence from the hon. member who spoke last is somewhat unexpected, as the matter in debate appeared to be of a nature more fit to be discussed by persons less interested in the result than myself; but the manner in which I have been called upon compels me to obtrude myself on the notice of the House. The hon. member has suggested, that on former occasions the zeal for reform has led to the suppression of offices, without any consideration whatever for the parties who held them, and has referred to the conduct held on those occasions as inconsistent with the opposition to the present motion. This observation seemed to be directed most immediately to a right hon. gentleman (Mr. Burke), better able, beyond all comparison, to vindicate himself than I can pretend to be; but as he has already spoken in the debate, I cannot, after hearing this observation, resist calling the attention of the House to the section of the act generally known by the description of Mr. Burke's Bill, which expressly provides that compensation might be granted to persons who should be deprived of their situations, or impaired in their incomes, by the regulations made under the authority of that act; in consequence of which, ample compensations had been made to a very large amount. The hon. member has also chosen to suppose, that the language now held by Mr. Burke, respecting the right of the crown, and the controlling power of parliament, is inconsistent with the principles of which he formerly boasted. I need only remark, that the right of the crown to apportion, in the first instance, salaries and rewards, had never been denied by the right hon. gentleman alluded to, when subjects of this sort had before been under the consideration of the House, nor was it now meant to dispute the general control of this House, as to the proportion or amount of what individuals should receive for their labours, if, on consideration, the case appears, in their discretion, to call for the exercise of such power.—The warmth expressed by the hon. gentleman respecting the immense sum acquired by the late duke of Newcastle, from an office held by him, was not called for, as the income of that very office in future had been regulated by parliament, and reduced to that fixed amount which, on full consideration, was thought to be reasonable. The hon. gentleman, however, could not be ignorant that, although the emoluments of the office were large, they arose from known and established fees, and were legally due to the possessor of it; and he might perhaps have recollected another employment, that of paymaster general (also reformed at the suggestion of Mr. Burke), from which a large fortune had been acquired in a manner not altogether so unexceptionable as in the other instance; and he could not be ignorant that no such acquisition can in future be made in either of the situations, or indeed in any other under government.—The hon. gentleman had complained that the subscriptions for the internal defence

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of the country have hitherto been confined, mostly to placemen. It is a whimsical objection to come from one who contends that persons of that description should ever be compelled to contribute more than other subjects of the country, that what they have already voluntarily shown a disposition to give, is too much. He really seems desirous, in that respect, to put them in a worse situation than the unhappy people of France, who had at least an opportunity given them by their rulers of subscribing to a voluntary loan before they are compelled to contribute to a forced one.

In this debate as well as in former ones on the same subject, much has been said of the large amount of the incomes derived by persons from offices and employments, the state of this question is, however, considerably changed since it was last under the consideration of the House. Some of the circumstances bearing upon it, gentlemen cannot be particularly informed of, and others are not likely to be in their recollection: a concise statement of them will shew that important savings have been effected in the public expenditure, as well as great retrenchments of unnecessary employments under the crown.

Under Mr. Burke's Bill in 1782: *Suppression of Offices under the Crown.*

Offices above £.500 a year:
No. 37 ..... £.43,600 a year.

Offices under £.500 a year:
No. 97 ..... £.13,900, a year.

37	£.43,600 a year
97	13,900 a year
134	£.57,500

Under Regulations of the Treasury confirmed by his Majesty.

Offices above £.500 a year:
No. 3 ..... £.2,156 a year.

Offices under £.500 a year:
No. 141 ..... £.11,469 a year.

3	£.2,156
141	11,469
144	13,625.

Mr. Burke's Bill	134	£.57,500
Subsequent Regulations ..	144	13,625
	278	£.71,125

Employments substituted or created to do the Business of those suppressed.

Above £.500 a year:
No. 5 ..... £.3,538 a year.

Under £.500 a year:
No. 57 ..... £.7,371 a year.

5	£.3.538	
57	7,371	
62	£.10,909	
Offices suppressed	278	£.71,125
Do. substituted or created	62	10,909
	216	£.60,216

Exchequer Regulating Act in 1782.

The principal offices of the Exchequer had emoluments in time of war to the amount of ..... £.45,300

They are now regulated as follows, as they fall in:

Auditor	4,000	
Four Tellers	10,800	
Pells	3,000	
Establishments in lieu of Chamberlains &c. about	1,000	
		18,800
		£.26,500

The two Chamberlains, Tally Cutter, and the Ushers' employments are suppressed after the death of the present possessors.

Pensions.

In 1783, exclusive of Foreign Ministers		£.111,583
In 1794, exclusive of Do.	£.74,721	
Deduct Parliamentary	£.4,557	
Contingent, not now payable	1,197	
	5,754	
		68,667
		£.42,916

Auditors of the Imprests.

Average Value of their Incomes for 3 years, including Deputies, Clerks, &c. previous to the Abolition of their employments	£. 14,241
Five commissioners for auditing Public Accounts, Clerks, Incidents and all Expenses	11,500
	£32,741

The late Auditors have £.7,000 a year each (as a compensation for the emoluments of which they were deprived) during their lives.

Sinecure Offices in the Customs.

Vacant since 1784:
No. 38 ..... £. 10,600 a year.

Will fall in as the Possessors die:
No. 86 ..... 38,403 a year.

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Arrangement of Excise Officers in 1789.

There was then a reduction of officers and salaries as follow:

No. 765 ..... £.12,345 a year.

A saving to the above amount was effected, notwithstanding the salaries of the remaining officers were considerably augmented, to put them more out of the reach of temptation, and to enable them to live without being corrupt. An increase of officers necessarily took place when the tobacco duty was put under the management of the excise. But there are still between 4 and 500 fewer officers than there were in 1784, although the amount of the revenue is nearly a third part more.

These were all actual reductions, the benefit of which to the public is clear and apparent; but there are other measures of still more importance whether considered with relation to the public purse, or to the influence of the crown and its ministers particularly during war, and therefore so connected with the present question, as to render some allusion to them not improper on the present occasion. In the last war, from 1776 to 1783, inclusive, there were loans to the amount of 72,815,000*l.* in money. These loans were all of them settled by a private bargain between the subscribers and the minister, and distributed as he thought proper, without affording an opportunity for competition, and consequently without taking the chance of obtaining the cheapest terms for the public. The profits to the subscribers were various: During the first three years they were very small, not however because the bargain was favourable to the public, but because the loans were distributed to persons, many of whom had not the means of making deposits; which consequently led to large sums being carried suddenly into the market, and the value being depreciated. The loss to the public however, from the want of competition, was equally mischievous. From 1778 to 1782 inclusive, the premium in a few weeks after the opening (as soon, in short, as the market revived from the depression of the first sales) fluctuated from 11 to 13½ per cent. It has been the uniform conduct of my right hon. friend, in all the occasions of this nature, which have occurred since he has been in administration, to invite public competition. The agreement has always been made with the lowest bidders. Government have had nothing to do with the distribution of the loan, and the subscribers have received only a moderate bonus in the present year, hardly more than from 1 to 2 per cent. In this view of the subject it is an extremely moderate calculation, to suppose the bargains made under the new mode of disposing of the loan to the persons who shall at a public bidding offer the best terms to be effected, at the rate of at least 6*l.* per cent. more to the advantage of the public than under the old. On that calculation there is a saving on the loan of this year of 660,000*l.* Lotteries have for many years past also been disposed of in like manner, to the highest bidder, and from that source a profit has been derived to the public of 265,000*l.* a year, on the average of the last eight years. The usual profit on lotteries in times of peace formerly, when treated for separately, was 150,000*l.* An advantage from this source therefore has been derived to the public to the amount of 115,000*l.* a year.

Loans were however not the only means ministers had made use of in former wars, for the benefit of such individuals as they chose to select. Contracts and commission business were another fruitful source of favour and influence.

In the last war there was paid to persons under contract and on commission	£.17,122,000
Of which on commission.....	12,734,000
	£.4,388,000
The sums paid to persons executing the business on commission....	£.190,000
Supposing a profit of 5*l.* per cent on the remaining 4,380,000*l.* which is probably much below the truth	219,000
	£.409,500

which is something more than 80,000*l.* a year on the average, including the low years at the beginning of the war, consequently considerably more at the end of it.

In addition to all these actual savings and economical measures, other important advantages have been secured to the country within the period alluded to, by the public expenditure being lessened, to a degree extremely difficult to calculate in time of war, under the present mode of auditing the public accounts. In 1783 there was money unaccounted for, which had been issued to principal and sub-accountants within 20 years preceding, to the amount of 171,000,000*l.* Of which there has since

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been accounted for, the sum of 35,000,000*l*. And balances paid into the exchequer by accounts to the amount of more than 800,000*l*.

Unfortunately, in former periods, persons were very seldom called on to render accounts of sums, however large, issued to them: but if at any time they were, or they chose voluntarily to bring their accounts in, the examination was of a nature entirely different in all respects from the present practice; and it is perfectly certain, that if the accounts above referred to, had been audited while the accountants themselves could have been made amenable, infinitely larger sums would necessarily have been recovered. It may also be fairly insisted upon, that the expenses of the last war would have been infinitely short of what they were, if the persons to whom the money was issued, had been under an impression that they were to render a strict and immediate account of the same. In the war we now are engaged in, the accountants are aware, that immediately after the service in which they are employed shall be over, they must not only deliver in a clear, distinct, and particular account, on oath, of every sum of money issued to them, but that they will themselves be subject to a strict examination before the auditors, if necessary, respecting every item therein. Added to which, there is this manifest advantage at present, that instead of several accountants with the armies, most of them military officers, as in former wars, the expenditure is confined to one civil officer with each, on whom these are effectual and immediate checks, the staff of the armies being thereby relieved from every thing that could distract their attention from their military duty, and a profuse expenditure guarded against.

Having thus stated the measures which have been adopted by parliament, and by the executive government, in the course of the last ten or twelve years, as affecting the public economy and expenditure, the House will be able to draw a clear inference as to the effect likely to be produced by the influence of the crown. The only remaining salutary measure which can (with a view to economy and preventing abuses) be thought of, will be very shortly submitted to this House. It respects the future management of the land revenue of the crown, and will put an end to the influence heretofore derived from bestowing beneficial grants or leases, at the same time that it will secure a great improvement in that property. If the House should be impressed with the important advantages arising from measures already taken, it must be for their consideration how far it may be proper to adopt those now proposed, which would annihilate the few remaining sinecures held by persons in possession of official employments, and greatly reduce the latter by whomsoever held. It is with a view of assisting that deliberation, that, called upon as I was, I have troubled the House with a detail of the economical regulations which have been made subsequent to parliament having, after long and attentive investigation, sanctioned the leaving certain sinecure offices as just rewards either for persons themselves who should deserve well of the public, or for their families. The point was fully discussed when the legislature passed the act of 1783 already alluded to: and, at a later period, the House of Commons proceeded on the same principle in reserving to the regent a power to provide in that manner for any person who should take the office of lord chancellor. And notwithstanding the great difference of opinion at that time on most political questions, this proposal was universally approved.

It will perhaps, however, be contended, that abuses in bestowing sinecure places may justify the exercise of the discretion and control, admitted, in the course of these observations, to belong to parliament; with a view to which, it will be right to refer to the existing grants of that nature. One office of this nature is held by a right hon. gentleman near me, on which if it is necessary that any thing should be said, I feel that I am the last person who can with propriety dwell upon it. I shall, therefore, pass that by altogether. In the exchequer the best office has been given to a noble lord (Grenville) whose merits with his country are far above any praise I can bestow on them. In mentioning this it is right to observe, that the noble lord will derive no addition to his income from the appointment so long as he shall continue secretary of state. The second office in point of value, is held by a most respectable gentleman (colonel Barré), who had great public merits, and on whom a pension had very deservedly been bestowed for his active public services, as well as to compensate him for losses and disappointments in his profession. Of the tellers employ-

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ments one is held by a noble marquis (Buckingham), given in reversion to him for the very long and eminent services of his father: another, by a noble lord of eminent abilities, granted to him long after he had accepted the great seal, as a provision when he should retire; and the remaining two are possessed by sons of former chancellors. Of the few remaining sinecures, almost all might be justified on the same ground. Allusions had, however, been made to those held by myself, in so pointed and particular a manner, by the gentleman who spoke last, as to justify, I hoped, my taking up a little of its time separately on that subject. When I accepted, several years ago, the secretaryship of the treasury, I made no condition or stipulation whatever, although I gave up a considerable income to take an employment which I certainly did not seek. On quitting it in a few months, I had no immediate provision, or a very near prospect of one, which induced my right hon. friend, when I returned to it to seize the first opportunity of giving me, in a manner which added infinitely to the favour conferred, a sinecure in the court of exchequer of too trifling a value to have attracted attention in almost any other case. With respect to the other patent office I held, the manner of its being bestowed was highly flattering and honourable to me, as I was originally brought under his majesty's notice, as deserving his favour with a view to this office, by an address of the other House of parliament, in consequence of having been employed laboriously in their service many years before I came first into the treasury; and, I am persuaded, there would not have been a comment on it, if I had not since been placed in a political situation. The House is now fully informed how I became possessed of those employments, the number and value of which have been so much exaggerated in this debate, as well as out of doors.

I trust I have made it appear to the satisfaction of the House, that great reforms have been already effected. I am myself perfectly convinced, that it is hardly possible for them to be carried farther; and that nothing essential, or of importance, remains to be done. And an opinion prevails pretty generally, that in the case of patent offices the emoluments are as sacred as any other species of property, in which case it will remain only to be considered, whether the salaries of efficient officers are too high in proportion to the labour and responsibility attached to them; otherwise there seems no reason why they should be taxed in preference to any other species of income. And if the principle now laid down should be adopted, a tax might as well be levied on the profits of a theatre, or of a man who carried a show about on his back, as on the fair and moderate salary of a man in a public employment. It seems clear that the income of a gentleman, who may devote his abilities and his best application to the service of the public, should, if he is not over-paid, be as safe from further taxes (paying in most cases a fourth of it already) as the profits gained in the several professions of the law, physic, &c. especially in times of difficulty, when the labour and responsibility of persons in arduous situations are increased. Nor (if the measure is considered on the ground of policy) does it seem to be wise to create a temptation to persons in offices to put a hasty and improvident end to a just and necessary war, by reducing their incomes during the continuance of it, any more than to leave an inducement for the carrying on a contest improvidently, by allowing higher incomes in war than in peace, although it is not likely that those who now fill the departments of government, or those who may succeed them, will be influenced by such motives.

Mr. *Fox* admitted, that he held one sinecure place, but not more. He was, he acknowledged, one year clerk of the pells in Ireland; and to accommodate the government there, he had, upon an improvident bargain given it up, and accepted a pension in lieu of it, divided into two parts; but why it was called two places, he did not comprehend. The place had not been granted to him, but was given by George 2d to his father for services done to government: it was enjoyed by his father, afterwards by his brother, and then it devolved to him as part of his inheritance. Mr. Fox proceeded to state his opinion as to the present motion, which, he said, was different from that of his hon. friend, however he might agree with him in the necessity of adopting such a plan at the present unfortunate juncture. He thought the motion applicable to the times and therefore he should support it. The sacredness of property was to be determined by a general view of what might be considered property. Pensions and sinecures held

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by patent were as much property as any other possession: and the principle of property was so sacred, that no argument of degree could for a moment be admitted as ground for trenching upon it. Where his majesty had a right to grant a place for life, ministers might be made to answer for giving it to an improper person; but the grant, if legally made, was good. A very large proportion of the property of the kingdom would be found in the same predicament particularly that of a noble relation of his, the duke of Richmond, and several others, none of which, it would be thought, could be invaded; and if they were to look into the grants of the crown, the greatest part of the landed property of the kingdom would be found resting on that security. For this reason, if the bill should ever go to a committee, he should expressly be for exempting all sinecure places granted for a term of years, because he would not allow an infringement on property in the first instance. *Principiis obsta.* He did not think, however, that it was unbecoming when ministers went out of the legal road for means to support the measures necessary to the war, and justified their doing so on the principle that it animated the people, and excited zeal in the cause to call on those for aid whose business it peculiarly was, to manifest zeal, and exert every effort in the maintenance of the war. He should not take any notice because it had been so fully answered already, of the monstrous proposition made by a right hon. gentleman (Mr. Burke), that the crown was to be the sole judge of the merits that called for reward, or the quantity of reward that was to be bestowed. If the proposition itself had been brought forward during a time of peace, he should have his doubts how far it would be expedient; but, under the existing circumstances, he considered it a fair and prudent measure, as tending, in common with the subscriptions which had been promoted, to evince the zeal of the objects of it in common with the rest of the kingdom. The conduct of the two secretaries of state furnished him with an additional argument in favour of the measure. He did not mean to say, in respect to the one, that 4,000*l.* a year, as treasurer of the navy, was too large a recompence for his services, in addition to his place of secretary of state: but he himself had admitted the principle, when he fairly resolved to take the salary but of one, and not of both places. In like manner with regard to the other noble secretary who had relinquished his salary as auditor of the exchequer. But if they thus relinquished such considerable salaries, what became of them? Why should they not be applied to the benefit of the public? The fact was, that the whole transaction was nothing better than a manœuvre, and instead of benefiting the public, the amount of those places reverted back to the civil list, which was a mode of adding to that list without the consent of parliament, and all that was thus saved to the civil-list became the means of extending the influence of the crown in the hands of the minister of the day; which influence, upon a comparison with what it was in 1782, would, he believed, be found to be much increased. Thus the public were deceived with the appearance of saving, and consequent benefit, when, in fact, the public gained no more than they would have gained if those salaries went to their original destination. He was decidedly of opinion, that, upon the whole, the efficient offices of the country were not paid over-much, and that what they got might be necessary to their support or reward. With respect, however, to certain great officers, such as the first lord of the treasury, the two secretaries of state, &c. it was to be remembered, that when the present chancellor of the exchequer was formerly in power, one of the last acts of that administration was, to record a minute in the treasury office, that in future those offices were to be reduced in their salaries; the first to 5,000*l.* a-year; the two second to 4,500*l.* each. It was true, that when he (Mr. Fox) came into office, administration, not thinking that principle a wise one, did not adhere to it: and upon their going out, and the right hon. gentleman again coming into place, it would seem that he also thought better of it, because he did not think proper to return to his former regulation. By what they did upon that occasion, however, they left, as it were, their last dying act upon record in favour of the reduction. With regard to the nice calculations of the reduction of influence by means of the reformation boasted by the hon. gentleman who spoke last to have been effected in the treasury, although the question was not properly before them, he would put it on its proper footing, and then see how it stood. The advantages to be hoped from such a re-

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form were founded on principles not so much of economy as of influence. This being the case, he desired the House to compare the influence before, with the influence as it existed at present; and though Great Britain and Ireland were more distinct than formerly in some instances, that man, he said, knew but little, who did not know that the influence of the crown then extended itself to Ireland; and it could not be denied that influence in either kingdom served mutually to strengthen the hands of administration. The situation of India, likewise, with respect to the subject of influence, would be found another splendid exception to the hon. gentleman's proposition. There were some general topics, that applied to the present question, which he could not avoid taking notice of. One hon. gentleman had asserted the flourishing state of this country. This was a language which must be considered as harsh and grating to the ears of those who were labouring under the burthens occasioned by the present singular concussion of events. It was doubly insulting, as coming connected with a budget, which added 900,000*l.* fresh taxes upon the subject. Was it in that addition of taxes that the people were to look for the proofs of the flourishing state of our affairs? It might possibly be said, that some of this burthen was of a nature in itself beneficial, as containing regulations highly salutary. This might be true with regard to spirits; there, however, if the benefit was certain, the tax must be as certainly inefficient; and so *vice versa*, if it should be productive by the quantity consumed, what became of the benefit to the lower orders? Allowing, however, for the moment, that this regulation was generally beneficial, was even that plea of benefit applicable to the others? The increase, for instance, on sugars; what could it be called, but completely burthensome upon even the lowest orders, where tea from habit, was to be considered among the absolute necessaries of life? It had been likewise stated that our commerce was in a flourishing state. How was that to be proved? Not by a comparison between the present and former wars (although even there the argument would fail the last war perhaps alone excepted), but by taking our situation in the present war, as compared with the years of peace immediately preceding together with the similar analogy in former wars. In this true way of considering the subject, he was sorry to say, we should find no cause of triumph. The state of our manufactures was likewise made a ground of exultation; and it was said, that Norwich was constantly lugged in as an exception to the assertion. In point of fact, this was not true; but if it were, the reason was obvious, because Norwich had been a principal victim to the baneful effects of the war. It was not, however to that place alone that they were confined: look throughout Yorkshire and Lancashire, and would it be denied that distress, the most poignant, reigned universally through those manufacturing counties? Whether this distress were fairly owing to the war or not, it certainly was not decent to state them as if they were in a very flourishing situation. With respect to the disposition of the various places in the gift of the crown, he did not mean to question the propriety of any individual gift, but should content himself with observing, that the whole administration must be of the most meritorious description to deserve, in any degree, the accumulation of places with which they had been loaded. He agreed that when a minister served his country, with the approbation of the king and that House, it was highly fitting that his labours should be amply and liberally rewarded; and it was upon this principle that he had in some degree opposed a bill formerly brought in by lord John Cavendish, for abolishing the offices of the tellers of the exchequer, because he conceived it but reasonable, and beneficial to the true interests of the country, that the crown should have it in its power to reward such of its servants as should serve with ability and fidelity; but when war pressed on us with all its train of difficulties, when all parts of the country were called upon, almost with threats, to subscribe towards defraying the expenses, he thought it reasonable that those who involved the country in such difficulties, and who were the first to call upon the people individually for support, should themselves begin, by setting the example which they wished to be followed. In like manner too, he was of opinion, that the charges attending the carrying on of our government were not inordinately expensive, because though compared with some they might appear large, yet, taking the whole of human affairs and human reasoning with us, they would be found as moderate as could be expected. It was not, nevertheless, an

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argument, that, because perfection was not attainable it was not to be attempted; in striving to lessen some of the evils, a great deal of good was to be attained; in striving to lessen some of the expenses, much benefit was to be derived. It had been said, that the present mode of negociating loans was likely, in time of war, to save 500,000*l.* for the public; it should however be remembered, that this mode, promising as it might be, had been tried for only two years; and though it had been successful in the last, it had led in the first, to a very improvident and disadvantageous bargain. To repeat the names of those who would have given better terms, would be only to mention some of the most respectable inhabitants of this metropolis. Consols, it was certain, would have been taken by these persons at 75 instead of 72, the price given. For the reasons which he had stated, he should vote for bringing in the present bill; and lest the bill might never reach a committee, he would take that opportunity of declaring what regulations he should think it right to propose if it were in a committee. He should think it but just to exempt every place in which any legal interest could be established. As to the rest, he should propose to examine them, office by office, and determine, upon their individual merits, how much should be taken from each. In this view only he could agree to the bill, as thereby it would be founded in some degree on precedent, and as being at this time rendered peculiarly necessary from the circumstance of the subscriptions set on foot. He declared he was himself much attached to old practices, but, if driven to it, he must apply to new remedies. He could not conclude without taking notice of the expressions which had fallen relative to the property made by his father, as paymaster of the forces, coupled with a statement of the immense deficiencies which remained unaccounted for in the pay office. He appealed to the House whether it was fair and candid to unite these two circumstances together, so as to make them appear connected, without one solid ground for any thing like serious accusation? If the hon. member meant such insinuation, he would reply, that it was not founded in fact, and he would defy him to the proof; but he did not believe he meant any such thing. He ought however to have considered how deeply he wounded the feelings of a gentleman by such insinuations. The fact was certainly true that his father had made a large fortune—great fortunes were made by the predecessors of his father in that office—great fortunes were also made by his successors. It was as true that great and unaccounted deficiencies existed in his office, but it was equally true that such deficiences were as great and as unsettled under former paymasters as him, and with as little personal blame. Of a disposition generous beyond suspicion, he was liable to expose himself to imposition. He was of an easy nature, which was not always—he believed seldom—the mark of a guilty mind. The case of Lord Chatham was a proof that accounts might be long out-standing without any disinclination to have them adjusted. Without taking any ostensible part in the discussion of the accounts, he certainly had seen the reports on the subject; by those reports he called upon gentlemen to judge, and not to be led away by insinuations, which he again challenged any man to vindicate or substantiate.

Mr. *Pitt* said, that after listening attentively to the right hon. gentleman who spoke last, he found it scarcely possible to add to the arguments which he had urged against the motion. The only remarks, therefore, that he thought it necessary for him to offer, were in answer to the small part of the right hon. gentleman's speech which went in favour of the motion. To this end it would be necessary for him to premise, that the motion went to tax, in different proportions, all places of a certain description, of whatever value, and all sinecures of all descriptions, together with all pensions and efficient places above a certain value. As to the most important of those, the right hon. gentleman had himself admitted that they were legal grants, and was against taxing them. In this, he entirely agreed with him: for, as a question of property, it must be decided on principles of general right. As to efficient places, the right hon. gentleman had given his decided opinion, that they were neither under nor over paid, but nearly as they ought to be. If this then, was the case with efficient places, in times of peace, the House must perceive how unjust it would be to diminish that pay, and tax them in time of war, when their duties were necessarily increased. The principal ground on which the right hon. gentleman had built his defence of the motion, was the measure of raising voluntary

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subscriptions. Here he begged the House would take along with them the singular nature of his argument—it amounted essentially to this—that the right hon. gentleman would support a measure of which he expressed his disapprobation to-day, merely because another measure had been carried against his opinion yesterday; and would balance the impropriety of raising voluntary contributions in the first instance by compelling contributions in the second. The chief grounds on which the measure of the preceding night had been supported were, that voluntary contributions were a proof of zeal, and tended to call individual will into action; and that though the pecuniary advantages to be derived from it might be limited, its collateral effects would be salutary. Yet this measure, thus grounded, was called a compulsory contribution. This he conceived to be a contradiction in effect, and a solecism in language. The whole of the arguments used on the other side, were most preposterous and contradictory; for while they reprobated the raising voluntary contributions as illegal and compulsory, they proposed this bill in aid of that measure, to stimulate the exertions of others to subscribe; that is to say, they held out one act of compulsion as a persuasive to another; and while they contended that placemen were the only persons who were disposed to subscribe spontaneously, would introduce their amalgamating system, and make those exclusively contribute by compulsion who before had exclusively contributed from choice.—Mr. Pitt then entered into an explanation of the motives which guided the two secretaries, in throwing their rejected salaries into the civil list. He said, that the masked battery of anonymous publications had long played upon his right hon. friend (Mr. Dundas) with the artillery of plurality of places. He had hoped, that the plurality of labours, without its attendant plurality of emoluments, would have silenced that battery, but he had found it otherwise. He would therefore endeavour to put an end to cavil, by saying that two considerations led him to that distribution. When his right hon. friend resolved not to receive the salary of both places, finding on an estimate of the civil list, a bare sufficiency for the necessary purposes of the crown, and considering that there were casual expenses likely to occur in the royal family, he had thought it right to make a saving for the civil list, and applied the rejected salaries to it. But in doing so, it could not be said that he had not applied it to public purposes; for if there had been a deficiency in the civil list, that House would have made it good. As to the other topics which had been urged, he did not know how to class them under any head of argument to the point in question. The retrenchments which had taken place in offices and expenditures were not intended so much for a saving as to decrease the influence of the crown. They were not so much a system of practical economy as of practical reform. As to the present motion, if its aim was a diminution of the influence of the crown, it must from its very nature fall short of that end. To effect that, the manner should be systematic and permanent, and should not profess regulation and reform, when it only meant temporary supply. The question then came to this, "is it a mode of supply unexceptionable in itself and unquestionable in its effects?" To this he could not be supposed to give his assent, when it had been already allowed by its chief supporter, to be defective and nugatory; and if modified would be so futile, that it would be unworthy the dignity of parliament to entertain it; for it held out false principles, and went to mark out, by an exclusive tax, a body of men who merited a very different distinction. Great pains had been taken to show that the country was not in a flourishing state; how far gentlemen had succeeded, the House could not fail to determine. But if it was in a desperate situation, that House, he was sure, would not have recourse to a measure, which would neither heal breaches, nor give consolation to despair. Whatever the drift of the motion itself might be, the drift of the discussions on it was manifest; namely, to dispirit the public, and damp their zeal in the prosecution of the war.

Mr. *Hussey* said, he differed with Mr. Fox, with respect to sinecure places. He could not consider them in the same light as landed or freehold property, and he thought it would be better for gentlemen voluntarily to give up a part than produce a convulsion by retaining them.

The House divided:

Tellers.

Yeas	Mr. M. A. Taylor Major Maitland - -	}	48
Noes	Mr. Aldworth Neville Mr. Sargent - - -	}	117

So it passed in the negative.

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Debate in the Lords on the Manner of putting the Question.] April 8. The Earl of *Lauderdale* desired to have the two standing orders which referred to the Manner in which the Speaker was to put any Question that might be moved read. The same having been done, the noble earl urged the importance of the subject, upon which he meant to ground a motion. If there ever was a time when the orders, forms, and privileges of the House should be pertinaciously adhered to, it was the present. If they were not regularly adhered to, it would be found, that there was an end to the freedom of debate. What gave rise to his motion was, a proceeding which took place the other day, and which had alarmed him exceedingly; but not being then in the House, he meant merely to speak to the point of order as to that proceeding, which was one of the most extraordinary and unprecedented that he had ever heard. If the forms of parliament were not observed, and their motions were to be altered or garbled according to the fancy of any individual, the public could not be a judge of the proceedings of their lordships. He understood that on that evening, a motion of his noble friend (earl Stanhope) had been read to the House by his lordship, and handed to the lord chancellor, who had taken upon himself to leave out a material part. Now, he could not conceive upon what authority any Speaker of that House could assume the liberty of altering a motion, unless upon a question of amendment regularly submitted to their lordships. The Speaker was the servant of the House, its instrument and its organ, while officially addresing them from the woolsack. What the nature of the motion was, certainly was foreign to the subject of debate. If it were the most absurd that human fancy could suggest, it should have been submitted to the House in the precise language of the mover. If the motion was unfit for the House to hear, it could have been disposed of by the previous question; but the House had not a right, much less had any individual peer a right, to alter the construction, or vary the words, of the motion. If any noble lord, in the heat of debate, should be led into warmth of language or offensive vehemence, the peer so giving way to his feelings, was liable to be called to order, and to be censured, if the occasion appeared to call for censure; but nothing could warrant a sacrifice of the forms of the House as a punishment. The credit of the House, or of any assembly depended on a strict adherence to its forms; and therefore he must protest against the proceeding to which he had alluded. He had looked for precedents to support his argument, and he had found some, which he should state; but in doing so, he should quote the journals of both Houses indiscriminately, to prove that when the Speaker of either had taken improper liberties, the circumstance had not passed unnoticed. He referred the House to the cases of 1629 and 1677: in one the king sent his commands to the Speaker of the Commons to adjourn the House, and although sir John Elliot was on his legs, the Speaker said, "that he had a command from the king to adjourn, and to put no question." The next parliament was in 1640: and on its first meeting the conduct of the Speaker on the last day of the preceding parliament was examined, and the House declared that the Speaker having refused to put the question, as called upon to do at the time, was guilty of a breach of privilege. In the case of 1677, the Speaker had been complained of for putting questions with partiality, and leaning to one side more than another. His lordship read the speech of sir Thomas Clarges, who observed, "that the Speaker had usurped more of the attention of the House than any other member, by giving his opinion; but if that opinion was to be considered as the sense of parliament, and his patter was to supply them with sentiments, there was an end to the rights and privileges of the House; for the Speaker could misrepresent to the public the proceedings of its members, and thus would the idea of representation be destroyed." The noble earl reminded their lordships, that they ought to be more particularly jealous of any invasions of their privileges by the Speaker than the House of Commons, for this essential reason, the Speaker of the House of Commons was the creature of the House, elected by themselves, and sitting in their chair during their will and pleasure only; whereas the Speaker of the House of Lords was appointed by the crown, and ought naturally to be considered as a constant object of jealousy by the House, with respect to its forms and orders. Mr. Speaker Onslow had expressed his opinion of the great importance of parliamentary forms in terms too strong and decisive to leave a doubt upon the point he was maintaining. Upon

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all these grounds, therefore, he thought his noble friend had been treated in a most irregular and extraordinary way. Supposing his motion to have been ever so bad, still the Speaker had no right to alter it without an appeal to the House, and without having collected their decision by comparing those who said "content," with those who said "not-content." He had been told that the sense of the House had been taken by certain signs or looks. To decide by looks was certainly a new idea. He had never before heard of such a mode of deciding a question. He knew not whether a long countenance expressed the previous question, a frown a negative, or a smile an affirmative. There was much difficulty, he conceived, in ascertaining the sentiments of the House by this new mode; and he confessed that he was not physiognomist enough to know what construction to put on the countenances of members. He had indeed met with one ludicrous instance in support of this mode of decision, and was sorry, upon so serious an occasion, to have recourse to a sportive authority, but he held in his hand one of the smaller works of a member of the other House of parliament, well known for his genius, his talents, and his wit. In "The Critic," a great statesman was introduced, who came upon the stage, took his seat, nodded, and looked significantly, and said nothing. The author of a play supposed to be in rehearsal, being anxious to explain the merits of this character, which entirely dwelt upon his countenance, defined his look to be a most expressive mode of declaring, that he put the whole Spanish armada to defiance, and that by that nod the intrigues of the court of Spain were defeated. Possibly it might on the present occasion be asserted, that, from the countenances of peers on that night, it had happily been collected, that we could put the French to defiance, and that all their schemes and intrigues would be defeated. Be this as it might, there was one case which he thought would puzzle even these supporters of the new mode of collecting the sense of the House by their countenances, for their lordships must recollect that there were such things as proxies. He entreated their lordships to consider the consequence of an adherence to the forms of the House and concluded with moving in the words of the standing order, "That any Motion proposed by any lord of parliament, and given to the Speaker of that House, ought to be put in the Words given by the Mover and the question of content or not-content decided upon it in that form."

Lord *Thurlow* said, he agreed that the forms of parliament, and of all legal courts were essential to the dignity and justice of both, and that the exercise of the privileges of parliament ought to be preserved inviolable. Every noble lord had a right to shape his motion and put in such words as he pleased, but under the implied condition, that he would take care to avoid offence to the House, by using expressions degrading to their dignity, or revolting to their feelings. Whenever a motion was so drawn up as to be unfit to be put, there were different modes of putting it aside, or at least the offensive part of it. The regular mode was, by moving, as soon as it was stated, or before the lord chancellor put it, to take down the words that gave offence, in the same manner as when a part of a member's speech gave offence. Then a question of order arose, which necessarily taking the precedency, must be first disposed of, and the ground to be taken was, what degree of censure ought to be applied. But as it frequently happened, that when a noble lord had through inadvertency, been betrayed into an improper proceeding, the extreme degree of severity was desirable to be avoided. In that case the lord upon the Woolsack either appealed to the noble lord who made the motion, to remove the difficulty himself, by consenting to reshape his motion and take away the objectionable part, or he appealed to the House to have their leave to do it, by omitting to state the offensive part of the question; and with their acquiescence he so altered and put the motion. With regard to the general practice of taking the sense of the House without putting the question, and deciding by the contents and not-contents, where no dissent was likely to be signified, it was done every day. He had himself done it repeatedly: and he stated a case, where a noble earl made a motion, part of which suggested itself to his mind as improper to be put. Not wishing to call down the severity of the House on the noble earl, he privately advised him to withdraw the offensive words. The noble earl would not consent; and as he still wished to avoid the extreme case of severity, he took three steps from the woolsack and, in his individual capacity as a peer of parliament, appealed to the House for their permission to omit such part of the

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motion as appeared improper. The House went with him on the proposition; and he then, in his official capacity, put the question so altered, on which the House decided. With regard to the transaction of Friday, there was one particular on which he owned he entertained some doubts. Whether it was strictly regular to move for expunging the motion on the same day on which it had been made? Had the question been affirmed, it certainly would not have been regular to have moved to expunge it the same day; in the other case, though it might not be strictly in order, it undoubtedly was very immaterial. As far as he understood the conduct of the learned lord on the woolsack, his proceeding had originated in tenderness to the noble mover; and he owned he saw no point of view in which it could be taken just exception at. The present motion was a species of truism, but he saw no ground for bringing it forward on the present occasion, and therefore would take the liberty of moving the previous question.

The Earl of *Carnarvon* said:—My lords; The case is simply this. A noble earl on Friday last made a motion which had a written preamble, containing a great variety of arguments, from whence his proposition was in his own opinion a corollary. The noble earl was not so fortunate as to persuade a single lord of the merit, either of the preamble, or the resolution with which it was followed. The learned lord thought it was his duty to remind the House, that the preamble contained matter, not only reprehensible, but if uttered or read in any other place, punishable; and proposed that the resolution moved should therefore alone be read, without offending their ears with repeating the offensive argumentative preamble. The House assented, no single voice objecting. The learned lord then read the resolution without the prefacing arguments, and put the question: upon which the noble mover observed, that it was not his motion as it was read; that the learned lord had altered it; that he still approved of the whole as he had originally put it; but that, mutilated as it was, he gave it his voice; and accordingly, without further opposition to what he called an alteration of his motion, he gave it his solitary assent.—The noble earl who takes the objection to-day to the proceedings of Friday, grounds it on several propositions, namely, that every member has a right to put such questions as he pleases, in such terms as he pleases: that these are only subject to motions of amendment: that the Speaker cannot, of his own discretion, change or abridge a motion: that this privilege, if he possessed it, would be more dangerous, as he is appointed by the crown. His appointment by the crown can make no difference; for he is the organ of the House the moment he is appointed, and cannot speak or act but as they direct him. He is the depository of their orders, but not their sovereign. I am ready to admit the full right of the House to discuss any question it may judge expedient to the public service: but I do not admit that every individual member has the same uncontrolable right: if they had, it would destroy the right of the House, which would be contracted in the exercise of its functions by any one of its own members. The House must have authority over its members. The House would not hear blasphemy and treason from any member, in the shape of a motion. If the House has a discretion in these extreme cases, they must, from a parity of reasoning, have it in all the stages, from these extremes down to an innocent admissible proposition. If any absolute right can belong to any individual member, it must be such as, being founded on the clearest principles of common sense, cannot fail to carry the House along with it; such as, that every motion to which he is called to assent or dissent, should be so worded, as to admit of an assent or negative. Hence it cannot but be the right of every individual to have every resolution which involves two distinct propositions (to one of which an affirmative may be given, and to the other a negative) divided into two resolutions, without which he can give neither an assent nor dissent, unless he contradicts his own opinion in one or other of the propositions. If the mover should refuse to have his motion so divided, it is the duty of the Speaker to do so, as it was of old his duty to frame and shape the question from the debate, and to draw from the tenor of the discussion the point at issue (subject always to correction from the House), in order to bring it fairly and neatly to the decision of the House. For the same reason (which applies directly to the motion of the noble earl on Friday), whenever a resolution is prefaced by a variety of arguments as the foundation of the proposition, no man who

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thinks the proposition should be affirmed for some and not for all of the arguments, can give his vote at all, unless the resolution is separated from the arguments which served as a preamble. The arguments attached incumber the resolution, destroy each other's effect, and embarrass the right of voting. Separated, each argument may have its full parliamentary operation on the minds of different persons to lead them to affirm the resolution, which thus gained force by the loss of its preamble. Every member therefore has a right, in a motion, such as the noble lord's (where variety of reasons are attached to a single resolution as of its essence), to have them omitted, for they are incapable of being put separately, from their form and shape, as reasons. The motion, when made, is the motion of the House, and if the original proposer should not agree to the omission of the reasons annexed, the House would do it of its own authority. The noble earl's motion therefore was informal, and could not strictly be proposed to the House in that shape for decision. The construction of the motion was itself a sufficient objection, and the learned lord would have done no more than his duty, if he had, on this account alone, declined reading a part of the noble earl's speech inserted in the same paper with the motion, and only read that part, which could be put to the House for their judgment or decision. But the learned lord was influenced by a still more weighty consideration; for he perceived that the dignity of the House was compromised on receiving an informal preamble, which was in its substance offensive; and in performing that which his duty required, he consulted the dignity of the House, with no unfriendly attention to the situation in which the indiscreet language of the preamble might have placed the noble earl, had the whole motion made part of the proceedings of the House, by being taken down by the clerk as the proposition of the noble earl. There never was, certainly, a proceeding more regular, and as certainly to the honour and credit of the learned lord; and nothing, I am persuaded, could have induced the noble earl who has made it the subject of this day's conversation to bring forward this discussion, but the total ignorance of every thing which passed. The motion of adjournment is therefore the proper mode of disposing of the present motion.

The Earl of *Carlisle* submitted to the House, whether a motion of adjournment would not be that which the House ought to accept. The case was this: a noble earl comes down with a preamble to a motion of a preposterous length, and loaded with matter of a nature that created the greatest disgust. When it became the duty of the Speaker to put the question upon it, he craved the House to spare him the pain of repeating that, which, having been once uttered, was uttered once too often. This was consented to by the whole House, and in a manner to make it mandatory on the learned lord to curtail the motion, which he otherwise had been obliged to repeat.

Earl *Stanhope* insisted, that the introductory part of his motion, though treated as hideous, would, if duly considered, be found to be not at all objectionable. It was made up of sentences, each of which had been brought forward in parliament either in the shape of motions, resolutions, or speeches of members again and again. This hideous part of the motion had been got rid of in an extraordinary manner, and then the unobjectionable part, in respect to form and order, had been expunged from the Journals. How irreconcileable was this proceeding to common sense! When he looked to the Journals, to see what had passed on Friday in consequence of the Lords being summoned, he found a large blank. How, then, could he justify himself? With regard to the mode of collecting the sense of the House by the looks of their lordships, it was the newest and most extraordinary proceeding ever practised within those walls. He had fallen a sacrifice to the novelty of the case, for it was evident, that his motion had been grinned out of countenance. Had a Speaker of the House of Commons acted in the manner of which he complained, he would have had his wig pulled over his ears, and his gown stripped off his shoulders.

Lord *Grenville* said, he had been led to hope, from the hint which the noble earl acknowledged to have received from the House, that he would have apologised for having offended their feelings and insulted their understanding. After the able manner in which the learned lord had spoken upon this point, it was unnecessary for him to say much upon the subject. The noble earl had thought proper to appeal to him, in consequence of his having had the honour to fill the chair of the House of

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Commons; and he would tell the noble earl that nothing could be more common, than, when a motion struck the Speaker as incorrect in point of form, or contrary to some standing order, for him to state his reasons to the House for not putting it in the words in which it had been handed to him, and to suggest an alteration, which alteration the House adopted, without going through the form of taking a question upon the alteration by motion of amendment. In regard to the present motion, if he thought it tended to convey a censure on his learned friend on the woolsack, he would have moved the thanks of the House to the learned lord, for his very able and manly conduct on that occasion. As, however, the motion could not be said to apply to that transaction, he would content himself with moving, "That the House do now adjourn."

The Marquis of *Lansdowne* agreed completely with lord Thurlow. He heartily wished the House had stopped there, and suffered the debate to end. With regard to the noble earl Stanhope's motion, it was misunderstood, in consequence of the House having suffered itself to be hurried away by intemperance, and thence led hastily to draw conclusions, which the introductory matter of the motion did not warrant. Stripped of the violent expressions, and a few offensive epithets, the preamble might, as the noble earl had said, be found in motions, resolutions of the House, or uncomplained of parliamentary speeches.

The *Lord Chancellor* acknowledged himself much obliged to lord Thurlow for his very able and explicit argument. He felt himself relieved by it from great difficulty. With respect to the question of order, nothing could be more clear than that it was not necessary to put the question of content or not-content upon every point. It was necessary to consult the House, by asking, is it the pleasure of the House that such a thing should be done? and if no lord dissented, then the thing was ordered without putting the question. He adverted to the circumstances which took place on Friday. He was in the judgment of the House, whether he did not act in conformity to the sense of the House, strongly and unanimously expressed? He was governed in what he had done, by a wish to save the noble earl from incurring the severity which his incautious conduct had exposed him to.

The question of adjournment was carried.

Debate in the Commons on the Volunteer Corps Bill.] April 1. Mr. Pitt having moved the order of the day, for going into a committee on the Volunteer Corps Bill,

Mr. *Francis* said, that before he offered his opinion on the bill, he could not but complain of a practice, which prevailed in that House, and which in effect took away all freedom of debate, by confining every discussion, on subjects of importance, to three or four individuals. That, on this point, he spoke with great impartiality. That a few distinguished persons, by occupying the whole time of the House with speeches of many hours, not only wore out the patience of the few who attended to them, while a majority of the members, perhaps, were taking their nourishment or their repose, but precluded all others from offering their opinion ever so shortly, for want of an opportunity of being heard even for a moment. That, if it was the object of eloquence to weary and deaden the attention of an unhappy audience; to exhaust all human patience; to efface, by endless repetition, an impression once made; to stupify, rather than to convince; and finally, to lose the votes of friends, whose constitution sunk under the intolerable burthen imposed upon their faculties; then, indeed, the gentlemen he alluded to were supremely eloquent.—That, as to the bill now depending, it appeared to him that the question of the legality of private subscriptions for public services, had been debated by the attorney-general and others on the preceding night, he would not say without learning or without ability, but upon a false principle, on which the question of right ought not to be argued, at least in the first instance. That, instead of inquiring what the sense and meaning of the constitution was, and must be, and then what the ancient practice of parliament had been, the learned gentleman had exerted his industry to find out a number of modern facts, which he thought suited his purpose, and out of an accumulation of such facts to establish a doctrine; that is, to invert the natural order of the inquiry, and to prove principles by precedents, instead of justifying practice by principle. That every one of the instances, so relied on, might be nothing better than abuses, which, being

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but inconsiderable, perhaps, in the amount, or evidently harmless in the application, had passed without notice. But now the question comes directly before us. We are at issue on the point of right. Will you suffer it to be decided, not by its own intrinsic reason, not by the principles of the constitution, but by some special facts and instances of a modern date, in which the question of right was not debated? I do not believe that the examples produced have been fairly quoted; but if they were, what is it to us, who had no concern in those transactions, and who are now contending for the truth of a constitutional principle? Instances of wrong done by others, if they were ever so numerous, are not to conclude against my right. What is it to me that such and such things were done in the administration of Mr. Fox or Mr. Pitt, of lord Rockingham or lord Shelburne? Were they right when they were done? If they were not, now that they are questioned, this is the time to condemn and put a stop to them. The essence and virtue of a free constitution, and of ours in particular, is, that it acts and governs by common rules and equal measures, operating indifferently on all men, without selection, and in proportion to their ability, estimated on general principles. The first effect of voluntary subscriptions, recommended by power, and therefore not so voluntary as they pretend to be, is, to deprive us of the benefit of acting under common rules and equal measures, by piquing some men to contribute beyond their real ability, from motives of pride, jealousy, competition, or zeal. At the same time, the richest persons may escape, if they will, or contribute but a trifle in comparison with their means. Then comes the invidious personal distinctions, the supposed disaffection, the marking out of particular persons in every county as enemies to government, with an endless train of jealousies, contentions, and animosities in private life, encouraged and fomented by the pervading and predominating influence of government in every corner of the country.—If private contributions, to be received and disposed of by the executive power, are lawful at all, they are equally lawful in all instances. See, then, to what conclusion that doctrine goes. What becomes of the House of Commons, if the people may give and grant directly to the crown? Will a seat in this House be worth 4 or 5,000*l.*? That at least is a point, which gentlemen would do well to consider, before they part with the power of the purse. They will not, I suppose, surrender their own individual interest, for the sake of betraying the constitution. Will they teach the minister to apply for money to any body but themselves? I need not push this argument any farther. Their generous feelings, I am sure, are sufficiently alive upon the subject.—But after all, is the supply which the minister expects to obtain by these irregular courses, worth the dispute? Is it likely to be considerable? Will he favour us with an estimate of what he thinks it will amount to? If he will, I declare that I, for one, am ready to give him double, or even treble, the amount of his own estimate, provided he will take it in a regular parliamentary way. If he will not, then I think it must be evident that the supply is not the object.

Mr. *Fox* without wishing to enter upon one of those long speeches which his hon. friend had condemned, was desirous of justifying himself from the inconsistency of conduct imputed to him from what happened in 1782. His own character was undoubtedly dear to him; but he was impelled with equal force to this justification, from the character of the marquis of Rockingham having been also involved in the charge. The memory of that illustrious person, he trusted would still meet with many defenders in that House, and he was sure there were some who could not be indifferent to any imputation thrown upon it. He then went into the meaning of the circular letters sent to manufacturing towns by the earl of Shelburne in 1782, and argued that they had no similarity with the present application. In six months after the circular of 1782, he was found publicly opposing in that House these voluntary subscriptions to the king on the same grounds upon which he now opposed them, and had formerly opposed them in 1778. Why did not the minister of that time charge him with inconsistency? The reason was obvious—because the transaction was then fresh in the minds of men, and not so liable to misrepresentation as after an interval of twelve years.

Mr. *Burke* declared that he should not be unmindful of the hint given by Mr. Francis, and drawn from a precept in a writer of very high authority with the gentleman opposite to him, captain Morris—

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"Solid men of Boston make no long potations.
"Solid men of Boston make no long orations.
"Bow! wow! wow!"

And this injunction he could the more readily comply with, as he had in fact very little to say upon the subject. At the period alluded to, though he held an office supposed to be very high and advantageous, yet he was as completely ignorant of what was passing in the cabinet as any man in England. He was then fully employed in drawing up voluminous reports on the affairs of India, and also in a laborious investigation into the details of the public offices. These, together with the severe and arduous duties of his own department, left him but little time for any other business; and as to the present transaction, he protested that the smallest trace of it did not remain upon his memory. He must, however, say, from his intimate knowledge of the illustrious marquis of Rockingham, that no man was more incapable of concurring in any thing which he thought to be unconstitutional.

Mr. *Sheridan* felt himself much disappointed in that kind of defence, which he had a right to expect from Mr. Burke, of the conduct of the marquis of Rockingham, and supposed, that the injunction against long orations was not the only moral precept in that system of ethics alluded to, which served to regulate the conduct of that right hon. gentleman. He would remind him of another passage in the same approved writer, in which he says,

"He went to Daddy Jenky, by Trimmer Hall attended,
"In such company, good lack! how his morals must be mended
"Bow! wow! wow!"

He then represented, that Mr. Fox had mentioned the justification of the noble marquis to have been one of his chief motives for entering into the explanation; whereas Mr. Burke was contented to declare his ignorance of the proceeding, and leave the memory of the marquis of Rockingham to be defended by others. He then arraigned Mr. Burke of inconsistency, in now complaining of the place which he formerly held, and the loss of which he bewailed immediately after the administration to which he belonged was dismissed. He called to his remembrance the speech which he made upon that occasion, with a professed sensibility in all the enjoyments of which he was deprived, and, amongst others, the music of drums and fifes, which regularly afforded him a morning serenade.

Mr. *Burke* returned his sincere thanks to the philosopher for those moral instructions which he was so kind as to convey to him, and of which he should not fail to profit, from a conviction of how much the value of moral lessons were enhanced, by being so well exemplified in the life and actions of the preacher. That man must indeed know little of morality, who was not conscious that the longest life was too short for the attainment of its perfection, and he who practised morals with the most delicate observance, would find sufficient imperfections to prevent him from boasting of it. Without subjecting himself, however, to the imputation of vanity, he hoped he might so far rely upon his moral character, as to suppose that it could receive neither diminution nor addition from any testimony which Mr. Sheridan might bear to it. There were but two other points, of which he should take any notice. First, what was said of his dislike to official situation; and secondly, the inattention of which he was accused to the vindication of the marquis of Rockingham. To the first he would say, that he never professed himself indifferent to the emoluments of official situation or to the rank or patronage that it afforded; and that both in public and private, he had always condemned the ridiculous jargon of those who affected the contrary. To the second he would only just observe, that though some charges of inconsistency, had been made against Mr. Fox for his present opinions, he had heard none made against the marquis of Rockingham.

Mr. *Sheridan* declared, that it was a great mistake to suppose that he made any attack upon the morality of Mr. Burke, for if his words had been attended to, it would appear that he supposed him to possess it in such superabundance, that he might even spare some part of it for the right hon. gentlemen that surrounded him on the Treasury bench. In speaking of his official situation, he did no more than repeat his own expressions; and if he had attended to the last debate, he would have heard direct charges of inconsistency brought against the marquis of Rockingham.

Mr. *Burke* said, that being otherwise diligently employed in fulfilling the duty

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imposed upon him by the House, there were only one or two subjects upon which he attended its debates, though by way of extraordinary inducement, the hon. gentleman always held out to him the douceur of having, upon every occasion, the whole conduct of his life ripped up and ransacked. Recurring to the official situation which he at one time held, while Mr. Sheridan was secretary to the Treasury, he declared it to be so irksome to him, on account of the neglect of others, that it was with much difficulty he was prevented from throwing it up, nor would any consideration induce him willingly to pass again so disagreeable a time. He concluded with a censure of Mr. Sheridan for arraigning the morality of a man, of whom he knew so little.

The House then resolved itself into the committee, and went through the several clauses of the Bill.

April 7. On the order of the day, for the third reading of the Bill,

Mr. *Francis* moved, that the article of the Bill of Rights, which related to the levy of Money without the grant of Parliament, should be read; at which some members on the Treasury bench seemed to express, by their gestures and laughter, some degree of contempt and scorn. The article was read accordingly, and is as follows: "That levying of money, for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the same is or shall be granted, is illegal."—Mr. Francis then said: In former times, Sir, a motion for reading any part of the Bill of Rights, so far from exciting scorn and mockery in the House of Commons, as it has done this day, would have secured the person who proposed it from insult or disrespect, even though he had introduced it unseasonably, or applied it absurdly. Such was once the veneration in which that law was held. But those times are past, and I fear they are gone for ever. Gentlemen have acted prudently in expressing their scorn, before they heard or could possibly conjecture, for what purpose I moved that this declaration should be read. But whether their contempt was levelled at me, or at the Bill of Rights, or at both, I am perfectly content, and think it an honour to me to be so united, and to suffer in such company. Sir, the chancellor of the exchequer has distinctly declared, that when once the measure of enrolling volunteers for the general defence of the kingdom should receive the sanction of parliament the mode which government had in contemplation, of providing for the expense, by receiving the voluntary subscriptions of individuals for that purpose, would be virtually included and legalized in the sanction given to the measure, though not mentioned or alluded to in the bill before us. This is the doctrine avowed by the minister, and this is the principle on which he proposes to receive subscriptions for the use of the crown. On the truth of this doctrine I am at issue with him, and meet him in direct contradiction. I affirm that it is not true, that, on the principles of the English constitution, when the parliament has given its sanction to any measure to be attended by expense, a right or permission accrues to the crown of receiving the supply necessary to answer that expense, through any other channel than that of the House of Commons; and that this is the evident meaning of that declaration in the Bill of Rights, which has been read at your table. This House, Sir, in every measure of expense that comes before it, has two essential and fundamental duties to perform, neither of which it can surrender, relinquish, or transfer to any other power, or submit to any other judgment. The first is to vote the service. The second is, to estimate and limit the charge, and to grant the supply; and this, I conceive, is an office and a duty exclusively vested in the House of Commons, and so strictly appropriated to us, that we cannot abandon it ourselves, or suffer it to be usurped by any other power, without a direct breach of trust. We are constituted by the people for the special purpose above all others, of guarding the public purse, of assessing, limiting, and applying all monies whatsoever, to be paid by the people for the public service. If the principle be good, viz. that when parliament has approved the service, the executive government may raise the supply, by receiving contributions from any who are willing to contribute, try it upon a larger scale. When you have voted the army or the navy, I mean the numbers, will you leave the supply to be provided, and the expense to be defrayed, by any other means than your own specific grant? Why not? Because the amount would be too great to be supplied by subscriptions? That, Sir, is no answer to the question of right

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If an augmentation of the militia may be provided for in this way, why not any other more expensive service? The difference is only in the degree, not in the nature and quality of the act. If there be any other distinction I wish to hear it stated. But, when you had voted the army or the navy, would you allow the minister to tell you that his majesty had no farther occasion for your attendance; that government would find the ways and means, and would give you no farther trouble? How would this House receive such a proposition? I hope they would receive it with indignation, as they ought to do. If not they would not only betray the constitution, but very soon find that they had been parties and accomplices in their own annihilation. But how is this doctrine to be reconciled to the Bill of Rights? When money is levied for the use of the crown, by private contribution, is it, in the first place, granted by parliament? That is, in the strict parliamentary sense of the word grant. Is the amount fixed? Is the time limited? Is the manner prescribed by parliament? No such thing. The crown receives directly from the subject; and the House of Commons, who alone ought to give and grant the money of the people, and not the people themselves, is passed by. But I go farther. I not only deny that a power to receive money from the subject in the form of a contribution, can be taken by implication as if it were included in the approbation of the service; but that it cannot be given, even by the expressed consent of this House. We are appointed to do this duty ourselves, and cannot alienate the discharge of it from ourselves to others. We are delegates, and cannot delegate. As individuals we may resign our station; but, while we hold it, we cannot separate the station from its duties. A learned gentleman (Mr. Serjeant Adair) near me, whom I sincerely respect, not only for his learning and abilities, but much more for his unbiassed integrity, has given notice of his intention to propose a clause for the purpose of legalizing this mode of raising money in the present instance. The chancellor of the exchequer, on the other hand, has declared that he will accept of no such clause; and I must own I should be sorry to see it received. On my principles, the House of Commons has no right to consent to any levy of money, not directly granted, limited, and appropriated by themselves. But such a clause would tend to palliate and qualify the measure, and to establish a most dangerous precedent, I protest against any attempt to patch or paint a rotten principle. If a bad thing is to be done, let it appear at once in its worst shape, and in the blackest colours that belong to it. Then perhaps, it may excite alarm; then perhaps it may make its true and natural impression on the stupid mind and feelings of this country. In my judgment, we have not a resource or a hope left to preserve the few securities that remain, or to recover the many that have been lost, but in such excesses and abuse of power, as cannot be disguised or dissembled, and, at some point or other, will no longer be endured.

The Earl of *Wycombe* said, that he should not have troubled the House, if justice to a noble relation (lord Lansdown) did not demand it. That noble person had, in 1782, as secretary of state, written a circular letter, which had been commented upon by the attorney-general, in a manner most unfair and uncandid. He had compared the transaction of 1782 with the present, though there could not be two measures more dissimilar; and to support that comparison, had produced seven letters out of 140, which had been written in answer to that circular letter, made them a comment on it, and thence drew inferences which, if the letters had been fairly stated to the House, could not be deduced from them. So far from the letters alluded to having established the point, that the nation at large considered the circular letter of his noble relation as calling for a voluntary subscription, the majority of them, if produced, would show that the reverse was the fact. There was a wide difference between raising a naval force, and empowering ministers to raise a body of outcasts, who might be made use of, for purposes hostile to the constitution.

The *Attorney General* said, that if the noble lord meant to convince the House that there existed those differences between the measures of 1782 and 1794, which he seemed inclined to assert, he had totally failed. There had not been adduced a single argument tending to that point, which was not perfectly contemptible. He reprobated, as trivial and idle, the distinction taken by the noble lord between the army and navy; and again argued the propriety of producing the answers to the circular letters of 1782,

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as an evidence of what the measure was generally understood to be by those persons who wrote those letters.

Mr. *Grey* insisted that it was unfair to select a small number of answers from a large quantity, as an argument to decide how the letter so often alluded to should be construed. He thought in justice the whole ought to be produced; and the learned gentleman must know, that in a court of law, if he had refused to produce them, he (Mr. G.) would be entitled to condemn them as absolute forgeries. He did not go the whole length in his noble friend's distinction between the army and navy, because he was an enemy to all private subscriptions; but he admitted there was a very important difference, inasmuch as our liberties could never be crushed or destroyed by a navy, but they might be by an army.

Mr. *Ryder* said, it was worthy of remark, that the gentlemen who insisted that the present measure would destroy the constitution, were the same who defended a similar one in 1782, on the pretext that it was not money, but arms and accoutrements, that were then subscribed; which was saying, that it was illegal to subscribe, if the subscription was in the shape of a guinea, but legal, if in the shape of a musket or bayonet. In such miserable distinctions he hoped that the safety of the constitution was not to rest, and he trusted that the House would treat them with the contempt which they deserved.

Mr. *Curwen* thought that the present was a measure to keep up a system of delusion among the people: he thought also, that if there was any danger ministers should state it; and he hoped gentlemen of fortune would then come forward and sacrifice all they could spare for the benefit of the public.

Mr. *Pitt* said, that universal as the assent to the principle of the bill seemed to be, he could not resist the desire he had to express his sentiments on two or three points which had been substituted in place of argument by the gentlemen who opposed the principle of supplying the exigencies of the state, under certain circumstances, by voluntary contributions. From the use which had been made of the argument respecting the letters, one would be induced to suppose, that the whole merits of the question hung on the circular letter of 1782; but in order to get rid of useless subtleties, he would waive the force which this question derived from the precedent of 1782, and suppose that there had been no such letter, no answers to it, no meetings, no subscriptions yet, on a general view of the laws and constitution of the country, the measure would be found to stand on the firmest grounds. As to what had been said by a noble lord respecting the construction of the letter in 1782, it had nothing to do with the bill, but was merely an attempt to vindicate a particular set of men from a charge of inconsistency. As to the measure of 1782, he then thought it a measure highly laudable; and having thought it right in 1782, he should think it highly criminal to raise objections to it in 1794, when the country so much more loudly demanded the adoption of such a measure. And here, he said, an explanation of his principal motives for opposing the production of the letters in answer to that of the secretary of state in 1782, came in with peculiar force. To produce them would be a virtual admission, that the merit of the present case hinged on that of 1782—an idea which, as he deprecated, he was determined to resist *in limine*. As to the authenticity of the letters, whatever gentlemen might insinuate to the contrary, they had the means of judging within themselves. If any gentleman conceived that the letters were withheld from any other motive than that which he had stated, he would tell such gentleman, that though he would oppose their being laid on the table, he would answer for it, that there would be no obstruction to their reading them in the proper office. It had been asserted, as a striking difference between the case of 1782 and that of the present day, that the former was to be attended with no expense. Unfortunately for that part of the argument, an hon. gentleman had on a former night said, that though there was no levy money to be paid, the men were to be remunerated for their loss of time. There was therefore so far an expense; and, in arguing on principles, an admission of an infraction in part, amounted to an admission that it was broken in the whole. The distinctions of the noble lord all went to the mode of executing the measure, but not to the true constitutional point; for while he reprobated the subscribing for an army, he approved of raising subscriptions for ships. But the noble lord's distinction between subscribing for a navy and an army was fallacious casuistry, too flimsily cover-

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ed to escape detection. He first insists that all voluntary contributions are illegal, and then admits that for a navy they would be justifiable—here then ends the great abstract principle! But then the subscription, not illegal *per se*, is vitiated by its being for an army—that is to say, the ends, not the means, vitiated the measure. And in the next breath the noble lord contends, that the case of 1794 is adverse to the laws and constitution, while that of 1782 was perfectly legal, because the same means (voluntary contributions) were not pursued, though the end was the same; namely, to raise an army; and thus the simple fact of raising an army in 1794, is to be the destruction of that constitution, but in 1782 was so laudable, so legal, and so constitutional, as to be held up in contrast to the mischievous consequences threatened by the present measure. Having stated the fallacy of this mode of reasoning, Mr. Pitt proceeded to show, that though the earl of Shelburne's circular letter was alleged by gentlemen to have excluded all idea of subscription, it was not so understood through the country: the county of Sussex, which had by public subscription raised and supported a large military force in 1779, 1780, and 1781, immediately on receiving that letter, set on foot contributions, and actually grafted on her former establishment no less than three additional companies. Here, then, was, according to the principles now maintained by the very gentlemen at that time in power, a manifest violation of the constitution. Why did they not, then resist it? why not make it a subject of parliamentary investigation? And what was so properly an object of their jealousy, as an illegal and unconstitutional act, committed on the footing and authority of their own letter? They should have stepped forward, and saved their country from the impending ruin. But did they do so? No! They knew the measure was legal, constitutional, and salutary, although, unfortunately for the credit of their politics, their sentiments changed with their situations, and they now thought it illegal, unconstitutional, and mischievous! He then proceeded to show, that, taking them in a legal point of view, contributions were equally justifiable, and he adduced a variety of authorities. In 1746, this very point was decided unequivocally by lord Hardwicke. On that occasion, many great men raised regiments at their own expense; and he wished to know who would venture to say, that great men might legally, and with safety to the constitution, subscribe, and that three or four hundred yeomen might not. Gentlemen had said, that if contributions were purely spontaneous, they were legal, but if made on the solicitation of government they were not so. To the spirit and principle of this distinction he would never assent. But taking for granted that it was so, no skill or ingenuity could rescue the case of 1782 from coming under that anathema; for the letter of the secretary of state, and the plans inclosed in it, contained in them a solicitation which in 1794 would be called a mandate. He reminded the House, that in 1759, the city of London entered into large subscriptions. The county of Hants, by a subscription raised 800 men. The ministers of that day returned thanks, in the king's name to the city for their contributions; and he put it to the sense and candour of the House to decide, whether the very act of returning thanks was not as strong a suggestion to other parts to do the same, as any specific invitation from ministers could have been. Of the innumerable instances in which contributions had been solicited, that in 1778, was the only one that met with opposition, though, in the whole of that war, it was practised at various periods. In 1779, 1780, and 1781, instances had occurred of a similar kind; and he maintained, that the acquiescence of the House in all those instances up to 1782, notwithstanding the agitation of the question in 1778, arose from a conviction of the legality and the usefulness of the measure. To confirm the House in the position he had laid down, he would mention that the king's speech in 1782 referred to the subscriptions, and particularly to a proffer of a man of war by a respectable gentleman (now lord Lonsdale); that immediately after that, there appears on the Journals the entry of a motion by Mr. Wilkes, to prevent contributions, and that, notwithstanding all those circumstances, an address, expressing the approbation of the House on that subject was voted: so that it was justified by precedent and by practice; and as to the law, not one word appeared on the statute books to prevent subjects from subscribing for legal purposes.—Gentlemen talked loudly of liberty, while they seemed to be most willing to encroach on it when it answered

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their own purposes. He knew that a portion of individual liberty was often necessarily sacrificed for the general good; but it must be in cases where the general evil would be greater than the individual. But in the present case, the first liberty of the subject, the right of disposing of his own property, was attempted to be wrested from him; while the general good would be promoted by the free exercise of that right.—He then adverted to the statutes against Benevolences, and showed that they were really statutes against exactions. The people had been compelled to contribute, and exchequer process issued against them, to exact that which was falsely denominated a free-will offering. It had been said, that voluntary contributions trenched on the great principle, that the House of Commons were the guardians of the public purse. But how did this principle truly stand? How were they the guardians of the public purse? In this sense—that no power but parliament could take money from any without the consent of the individual. But it was a forced assumption to say, that individuals had not a right to give their own money for legal purposes. That dominion which the Commons exclusively possessed over the general wealth of the nation, was a wise provision to render the executive government dependent on parliament, and by that means indirectly responsible for the just discharge of their office; but the fact was, that in numberless instances, that abstract right had been often trenched upon, and yet it never tended to raise apprehensions in any man. It was indeed, a chimerical mode of speaking, to say, that, at the moment when every thing in the circumstances of the times tended to push people to opposite motives of action, they were likely to make the king independent, and that they would conspire for the destruction of themselves, their property, and their constitution. The navy and army establishments amounted to four millions annually: in time of war much more was added; yet while gentlemen argued that the subscriptions must be inconsiderable, and inadequate to any material purpose, the general tenor of their argument led to the supposition, that the voluntary contributions possible to be raised would be sufficient to furnish, not only the ordinaries, but the extraordinaries also—a supposition so absurd, that it was calculated to excite pity and laughter. Cases which, though extreme, are yet not physically impossible, might be brought forward *ad infinitum*, in order to extinguish all those principles of action which arise from experience and probability. Against such extreme cases there was no guard but the great improbability of their ever occurring: but what power, that even imagination could conceive, would be safe, if that principle of suspicion should be indulged to a degree to which art and ingenuity might strain it? We have already seen that which practice and experience has ascertained to be safe: why, then, should men rack their brains to form systems which have already led to effects so horrible that language is too imperfect to express them? The real source of all this evil is the vain and false philosophy of late sprung up, which refers all things to theory, nothing to practice—which rejects experience—which substitutes visionary hypothesis for the solid test of experiment, and bewilders the human mind in a maze of opinions, when it should be employed in directing to action; and which would proceed, *per saltum*, from the indulgencies of theoretical systems to the execution of them. But the difference is wide, indeed, between the practice and the imaginary point to which those alarmists would carry things: that pedant politician who thinks to make a political machine perfect in all its parts, thinks of that which can exist only in the imagination: the various checks and counter checks by which he might hope to regulate its motions and correct its aberrations, would serve only to clog its movements, impede its progress, and overload it with difficulties.—But, in some respects, he was governed, in the present measure, by a principle of another kind. In contemplating the benefits likely to result from it, he could not help considering what sentiments it proclaimed, and what effects it would produce; and though it had been argued that it would tend to mark men out, and raise invidious distinctions in society, he would say, that if it served the purpose of actual defence on the one hand, or of intimidating and overawing the enemy on the other, it was not to be rejected because some persons were less alive than others to the good of the country.

Mr. *Fox* said, that if the right hon. gentleman's speech was meant as a puff for the subscriptions, it was well adapted to its end: if it was meant as argument to persuade a House of parliament that such

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subscriptions were constitutional and legal, nothing could be more impotent and inconclusive. The right hon. gentleman said, it was right to afford men an opportunity of showing their opinions, and to convince the enemy that the war was not a war undertaken and prosecuted by the English government, but by the English people. This, which the right hon. gentleman stated as an advantage, was one of the most material objections to the measure. Under such circumstances as the country was now said to be, a statesman, far from seeking opportunities of exasperating opposite opinions by forcing them into collision, would endeavour to soften and conciliate. No man, after being told that the subscriptions were proposed as the test of his opinion, could be imagined to feel subscribing or not subscribing as a matter of indifference. He must know that, if he did not subscribe, he was to be held, in the estimation of at least a very powerful part of his fellow-citizens, as entertaining opinions of the most shocking tendency. It was said, that from a voluntary subscription, there could be no ground for apprehension, because if the people suspected that it might be employed against their liberties, they would not subscribe, and if they did subscribe, the deluded people of France must see the falsehood of what their rulers were daily telling them, that the English government, not the English nation, were their enemies. He was sorry to see, that, for a considerable time past, not the English government, but the English nation, had been held out as the object of abhorrence to the people of France.—But supposing the case to be otherwise, the rebels of France would say to the people, "Mark the number of the subscribers in England; they are the only persons who are adverse to our principles, all the rest of the English are obviously our friends." All this arose from the mischievous distinction attempted to be made between the rich and the poor; classes of men who were taught to believe that they had separate and even opposite interests in society, while their true interests were one and the same. What was the common language of the French? That the rich only were their enemies, the poor their friends. Would not the subscriptions inflame this language; and enable them to say, "The rich only, and persons connected with government, will contribute to the defence of the country: the rest of the people are ready to receive us with open arms." But the measure would not even mark the distinction which ministers pretended to expect from it. Many persons, as zealous for the war as ministers themselves, might object to subscriptions on the recommendation of the crown, as unconstitutional; many, who with him, thought the war unnecessary and impolitic, would do so too; and yet ministers knew, that both descriptions would be as ready to oppose a foreign invasion as ministers themselves. In 1778, when voluntary subscriptions were opposed, were not France and Spain on the point of declaring war? Was any man supposed to oppose them because he wished the country to be invaded by France? What, Englishman did not as much abhor an invasion of his country by Louis 16th, great as the moderation and the virtues of that monarch were, as by Robespierre and Danton? Were Marcus Aurelius to rise from the dead, who would not subscribe, if necessary, to oppose an invasion by his arms? The question was not, who was the invader? the resistance was made to an invasion by a foreign foe. —The right hon. gentleman had enlarged on the impossibility of arriving at perfection; a position of the truth of which most of his hearers were probably convinced before. The exertions of human creatures were not to attain perfection, but to come as near it as they could. But how did this apply? Those who thought with him, contended only, that calling for voluntary subscriptions was a prerogative which the crown did not possess; while those who took the other side said, the king must possess the prerogative, because human institutions could not be perfect. In what respect would denying this prerogative clog the wheels of government? Could any instance be pointed out in which the country would suffer if such a prerogative did not exist? But then, it was said, a prerogative that can do no good can do no harm. The prerogative in question might be efficient for mischief to the country, but never for good. While no danger was apprehended to the constitution at home, men's confidence in parliament for providing for the defence of the country against danger from abroad, would make them think it unnecessary to be eager in coming forward with individual subscriptions; but, for purposes of mischief tending to subvert the constitution, in which many might be interested, and for which parlia-

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ment would not provide, individual subscriptions might be large and dangerous.—Mr. Fox said, he disdained the defence set up by the right hon. gentleman for the proceeding in 1782. Rather than defend it on such grounds, he would frankly own that it was inconsistent with the opinion he held in 1778. In the letter of the secretary of state on that occasion, he saw nothing analogous to the request for private subscriptions. It did not even contain an allusion to any subsequent application to parliament; a clear proof that it was not meant to convey any request for raising money. If he had been capable of erring on that occasion, the other members of the cabinet, and the marquis of Rockingham who was at the head of it, a man whom, both on account of his public character and his private worth, he could never mention but with reverence and affection, would not have suffered it. The measure now adopted was inconsistent with that of 1782, as was the measure of 1778; and those who had opposed the subscription of 1778, and supported the present, were the persons to whom the charge of inconsistency applied. His having suffered the address of December 1782, in answer to a speech from the throne, alluding to subscriptions entered into after he was out of administration to pass *nem. con.* was no reason for saying that he approved of those subscriptions. A right hon. gentleman (Mr. Burke), in terms the most eloquent and splendid, objected to almost every part of that speech, and yet suffered the address to pass without moving an amendment. The answers to the letter from the secretary of state of 1782 he had no means of seeing, although they were constantly made the ground of argument against him. It was of little consequence to be told, that they were not referred to as proofs of inconsistency; for unless he could say, with some other gentlemen, that he thought one way then, and another way now, the arguments built upon them could prove nothing but inconsistency. The right hon. gentleman who had refused to produce them for the information of the House, had now offered to show as many of them as he could. He regretted that the offer was made just at the time when a discussion upon them was likely to be at an end.—The attempts now made to prove him inconsistent were highly flattering: for what could be more flattering than to rest the defence of a measure almost entirely on some opinion that he was supposed to have entertained twelve years ago? In 1782, the whole measure proceeded upon a principle in which he and the noble lord, then secretary of state, agreed, however they might differ on other points, namely, that the people had a right to arm in their own defence, without the orders of government. On that occasion no man was called upon for money; the expense, whatever it might be, either in arms or in time, was to be paid by government. On the present, money was the only thing asked for. He undertook not to maintain the legality of giving ships to the crown by subscription, although of that the danger was small, because ships could not be manned without money. In the present instance, an army was to be levied by the king with money given him without the consent of parliament. If the measure of 1782 was similar to this, it was strange that those who disapproved of the subscriptions in 1778, should not have told him of it at the time. If it were true, as contended for, that the king had the prerogative of landing foreign troops, he might now get money to pay those troops by voluntary contributions. The fund would probably last for a very short time; but when the troops were landed, and so paid for any given time, he should be glad to know how long the subscriptions would be voluntary? Men who refused to subscribe would then be marked in a very different way from that in which it was now supposed they would be marked. That such power could not exist in a free constitution, it was easy to maintain in defiance of all precedents.—Mr. Fox proceeded to examine the several precedents; and showed clearly that they did not apply. He observed, that those who thought the degree to which a principle was carried in politics to be every thing, ought to see the necessity of watching and resisting the very first degree from the manner in which things inconsiderable in themselves were drawn into precedent. An invasion by the French, as he had before said, was equal in all possible cases. It was a thing which every man must resist, not only with his property, but his life; and what greater peril could be stated? No man could now be said to refuse subscriptions upon the same grounds as certain persons were supposed to have done in 1745. Then it might be possible, although he did not know it to be so, that some per-

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sons might feel themselves in such a situation, as to think they could be bettered by restoring the house of Stuart to the throne. Was there a man in that House who could be bettered by a successful invasion of the French? Who, under such a calamity, could even hope to be safe? Those who were the most apt to throw out the insinuation did not themselves believe it, because they knew it to be impossible. The right hon. the chancellor of the exchequer said, the subscriptions were desirable, in as much as they would draw forth men's opinions. Would he say, as a man of honour, that he believed any person who refused to subscribe had a French ticket of civism in his pocket, or held a French invasion in less abhorrence than he did himself? Here, then, was a new objection, that people might feel themselves forced to subscribe under a menace of the severest kind—a menace to their reputation as good citizens. Under all these objections, and finding it not relied upon as a measure of finance, he must persist in opposing it.

The *Solicitor-General* said, that the opposition to the measure seemed intended only to alarm people, as if there were some design of subverting the constitution. The doctrine that the people had a right to arm themselves without the authority of government was the most dangerous he had ever heard. Voluntary subscriptions were justified both by law and ancient practice: no subscription was illegal, unless for an illegal purpose: if a majority of the country wished to change the constitution, a resolution of parliament would be no obstacle.

Mr. *M. A. Taylor* was against all levies of money from the subject, as gifts to the crown, without the sanction of parliament and the more so, as the sums so raised must be at the disposal of government. He not only would not subscribe himself, but would advise his constituents, and all those with whom he had any influence, not to subscribe. He alluded to Mr. Windham's conduct and arguments at a county meeting held at Norwich in 1778, which went directly against the legality of the measure.

The Bill was read a third time. After which,

Mr. Serjeant *Adair* rose and said:—The clause which I now propose to add as a rider to this bill is, to give an express authority to receive voluntary subscriptions for the purposes of this act, and to direct the application of those subscriptions without any preamble declaring the law one way or other upon the subject. Such a clause will not alter or affect the law as it stood before the passing of the act; for it is an established maxim, that a statute made in the affirmative, does not take away the common law, without any negative expression. The legality of subscriptions for any public purpose whatever, without the sanction of parliament, has, on one side, been unqualifiedly denied. On the other side, it has been asserted with certain qualifications and restrictions. I trust that I shall be able to satisfy the House, that whether the measure in itself be legal or illegal, the clause in question is necessary and expedient. If the measure is in itself illegal, there can be no room for argument. The necessity of a clause of this nature is self-evident, and the clause must either be adopted, or the measure of subscription given up. I shall therefore proceed, on the supposition that the measure, with the qualifications annexed to it, is legal, and show, that even on that supposition, the proposition I now make, if not absolutely necessary is at least expedient. That the guardianship of the public purse is the sacred duty of this House, no man will deny. The constitution of this country has entrusted great powers with the executive government, and gives high prerogatives to the crown. In my opinion, those prerogatives have been wisely given and those powers most usefully intrusted. It is no mean advantage, that this country has a stronger executive government than any other free country upon earth. For so long as the strength of the executive power is properly checked and balanced, it gives more vigour and activity to our measures, more energy to the laws, more firmness and stability to the tranquillity and order of the state, and more sure and efficient protection to the rights and liberties, the property and safety of the people. But what is the grand weight which balances, the check which controls those powers, and renders them as safe as they are useful to the public weal? Sir, it is the possession of the public purse exclusively and jealously retained by the representatives of the people. This is the constant argument, and a powerful one it is, against all objections to the king's prerogative, which are drawn from the possibility of abuse. Money, it is said, is the nerve of power; without mo-

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ney nothing great can be attempted, and money can only be had through the intervention of the House of Commons.—Is it alleged that the acknowledged prerogative of the crown, in declaring war, may be injurious to the state, by involving us in dangerous and unnecessary contests? The ready answer is, that the supplies for carrying it on, cannot be had, unless it is approved by parliament. Is the question on the more doubtful and obnoxious power of raising troops in time of war, or bringing foreign soldiers into the kingdom? The moment it is said that they may be employed in a manner dangerous to the liberties of the people, a hundred voices are heard to exclaim, that our alarm is groundless; for troops will not act without being paid, and not a shilling can be had to pay them, without a parliamentary sanction. This valuable privilege, which is the very mainspring of the constitution has been maintained by this House with a jealousy that may be called extreme. So scrupulously has it been asserted, even against another and most respectable branch of the legislature, that if a bill comes down from the lords, containing the most salutary regulations, if those regulations are to be enforced by a penalty, or effectuated by a licence or a stamp, the whole is rejected without debate, because it may convey a few shillings into his majesty's exchequer, without having originated with the Commons—Suppose, then, for argument sake, that the measure of subscription, with the qualifications that have been annexed to it, was perfectly consistent with the law; and that parliament, having sanctioned the purposes intended by government, has by that means given an implied sanction to any mode that may be adopted for raising a supply to carry those purposes into effect; shall we, Sir, be peculiarly fond of encouraging an unnecessary resort even to legal means of raising a supply, without the intervention of this House, when that intervention instead of obstructing, would assist and facilitate the measure? Shall we, if legal means for those purposes can be found, be content, by our silence, to suffer precedent to be heaped upon precedent, till those legal means of supplying a particular occasion be converted into an ordinary channel of supply, and a regular source of revenue? Would this tend to increase the consequence of this House, or to strengthen the principles of the constitution? No, Sir, it is our duty even officiously to interfere in every proposition legal or illegal, for raising a supply of money for the public service of the state. If we blame, we should censure and prevent; if we approve, we should authorize and assist; but we ought never, if we are sitting, on such an occasion to be silent. If these principles are right at all times, they are peculiarly necessary to be attended to at the moment. If any of us are alarmed at the dangers of licentiousness and anarchy, let us recollect what is the favourite doctrine of the factious. It is, Sir, the claim of the great mass of the people to judge and to act in matters of state for themselves, independent of the authority, and without the intervention of their representatives. Is this, then, the precise moment, when it is politic and prudent for government to call upon the body of the people to exercise individually one of their most important functions, and to grant a supply to the crown, without the express sanction of parliament?—Sir, though I do not mean to enter into the abstract question of the legality of voluntary subscriptions, for purposes that have been approved by parliament, there is one assertion that has been made by the chancellor of the exchequer, that I cannot pass over in silence. It is, "that the principle that this House is the exclusive guardian of the public purse, applies only to the case of compulsory levies, and not to that of voluntary contributions." This assertion completely does away the qualification, which had before been argued upon; that the purposes to which voluntary subscriptions were to be applied, should have received a parliamentary sanction. It was not to be tolerated for a moment. What, Sir! if the House of Lords were to think fit to vote a voluntary supply to his majesty, from their own purses, would this House bear to be told they had no concern with the measure, because it was a voluntary act, and exchequer process could not issue against their lordships to enforce it? And if the popular convention which some factious men have talked of, should dare to assemble, and offer a voluntary supply to the king independent of their representatives in parliament, I am assured, that the right hon. gentleman himself would be one of the first to tell them, that such a proposal was a dangerous violation of the privileges of this House, and high treason against the constitution of their country.—Should the legality of subscriptions

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to purposes that have been approved by parliament, be admitted in its fullest extent, still the interposition of the legislature is not only expedient but necessary; for by what authority can the applications of those subscriptions, when received, be restrained or regulated? What constitutional security can we have that they may not be diverted to other purposes, if parliament is silent on the subject? But if we go still farther and not only admit the legality of subscriptions, but give the most implicit confidence to ministers for the due application to the purposes for which they are subscribed, what is to become of the surplus, if any should remain, after those purposes are carried into effect? Must not that, Sir, be disposed of by the direction and authority of parliament: or under what other authority is that disposition to be made?—We have heard much of the mischiefs that may arise, in times like the present, from the unnecessary agitation of general constitutional questions. The clause which I have now the honour of proposing, will put an end to all discussion, for the present, on the question of the legality of subscriptions, by expressly legalizing them in this instance, without any general toleration on the subject, that can alter the law as it now stands. And it will not only prevent those discussions in parliament, but where, if they are mischievous at all, they are unquestionably much more so, in clubs, county meetings, and other popular assemblies. If the legality of the measure is objected to, the express sanction of parliament gives a short and decisive answer, without any discussion of the subject—I heartily join in the wish, that the people may be as forward in support of the war we are engaged in, as the right hon. gentleman expects. But surely, if it be so important as he represents it to make that zeal conspicuous to all Europe, and if it be wise (which may, perhaps, be greatly doubted) to hold forth a concurrence in subscription, as a criterion or test of the general disposition of the nation, it is wise that such a measure may be offered to their view, stripped of every unnecessary objection. An express parliamentary sanction cannot check the ardor of any one individual; it may remove the objections of some, defeat the pretences of many, and operate as a recommendation to all. If the real object of ministers be, that the proposal of voluntary subscriptions should substantially assist and invigorate their other measures for national defence, they can have no motive for rejecting a parliamentary provision, that by removing objections, tends to unfetter the zeal of the people, and to promote and animate the spirit of liberal contribution. But if their principal object be, to establish precedents for raising supplies without the intervention of the Commons, that indeed is an object which the clause may in some measure impede, but which, I cannot easily persuade myself will meet with the support or concurrence of this House. Mr. Serjeant Adair then read his clause as follows: "That individuals having entered in to subscriptions to raise money as an aid to government, the same should be paid in to the receiver of the land-tax in each county, and receipts granted by him for the respective sums received; that those sums should be paid in to the receiver general of his majesty's exchequer, and similar receipts given by him, the whole to be applied only to such purposes as were intended by the subscribers under the authority of, and particularly specified in, this bill. And if any surplus remained in the hands of the receiver general of the exchequer, to be applied only as parliament might think proper to direct."

The *Master of the Rolls* objected to the bringing up of the clause as being equally improper and unnecessary. He declared his opinion to be decidedly in favour of the legality of the measure, and considered the subscription as exactly similar to bounties offered to seamen, or for raising men to particular corps, which never had been deemed illegal. He saw no propriety in the exchequer having any thing to do either with the receipt or issuing of the monies so raised.

Mr. *Sheridan* said, it was with reluctance that he gave his consent to any motion of the kind. He was convinced of the illegality of the measure altogether, and of its being an unfit mode for the government of the country to resort to for a supply; but if it was forced upon him, he would prefer undoubtedly that it should receive the sanction of parliament, in the way that the clause proposed, than that it should stand as a matter of undisputed right. He must take notice of one argument which had been used, and which, in his mind, was weak and childish to a degree. It was, that these benevolences were not to be objected to on account of their

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smallness, and that the argument could not apply to them as unconstitutional or dangerous in the degree to which they could be carried. Nothing was so certain that principles of this important kind must be sacred, and that they could admit of no degrees. If once they acknowledged the right of the crown to apply for revenue to the people, otherwise than through the channel of that House, the very first and most important bond for the maintenanc of all their privileges was cancelled. The House knew well how jealous they were of the Lords' interference in a money bill: they would not suffer them to alter an iota in a bill which laid even a fine of two-pence on the subject; and yet they were to suffer this measure to pass without check, which thus might grow into a most mischievous practice, and become infinitely too great for their future control.

Mr. *Windham* said, he understood that an allusion had been made to him in his absence, on account of some supposed inconsistency which had been discovered in his conduct now, and in the year 1778. It could not be on account of his supporting the present, and opposing the then war, for it was not denied but that a man might with perfect consistency approve of one war, and disapprove of another. It must be some inconsistency in his language. When this was stated the other night he was unable to say with accuracy what had been his language at the meeting in Norfolk, in 1778, but he hoped he had said no more than that doubts existed about the legality of private subscriptions; and, in the heat of debate, he would not answer how far an eager desire to promote his immediate purpose might have carried him, in the assertions that he made use of. But by the document which the industry of honourable gentlemen had discovered, it appeared that nothing could be more subordinate in his consideration at the time than the argument of the illegality of such subscriptions. It was brought in as a secondary idea only; the main argument being the general disapprobation of the war, which it was the object of the subscription to support. He then replied to Mr Sheridan's argument about the sacredness of principles. It certainly was no proof of weakness or imbecility to say, that that might be true of the whole, which was not so of the degree; on the contrary, it would be a proposition founded on the greatest fallacy, to say that that, whose character, distinct and entire, might be dangerous, was also dangerous in its degrees. There were few questions either in politics or philosophy of which this would hold good; on the contrary, he could show, by a thousand illustrations, the converse of the proposition. Speaking of a nuisance, for instance: a man might build a wall so high as to intercept the light of a window; but building the wall only four feet high, not reaching the window, could not be called a nuisance in degree. A water rising two feet, might overflow the adjacent country; but the rising of the same water six inches might do no injury. So in like manner of these subscriptions, it might be reasonably argued that they were not unconstitutional on account of their smallness, but that if carried to a great height they might be so. This was the hon. gentleman's argument on a former night: the revenues of the electorate of Hanover were not considered as dangerous, but those of the kingdom of France would have been so; the one was suffered only on account of its degree. In truth, almost every thing depended on its minuter distinctions. A man might go through the Ten Commandments, and say, "Thou shalt not steal; thou shalt not commit murder;" and say that there could be no argument about degrees, but that theft was theft, and murder murder; and yet the sagacity of the courts of law, was conversant in the degrees of these crimes; large discretion was given in all decisions, and it was constantly an argument for statesmen, philosophers, and lawyers, how much should be established by rule, and how much be left to discretion. This was what he recommended here; the House would do what they had always done: they wonld not interfere, till they saw reason from the magnitude of the danger. But why did the House from jealousy prevent the other House of Parliament from interfering in a money bill, even to the amount of a two-penny fine? Why, but because they had always done it: it was their practice. It would be as much an innovation, not to prevent their interference, as it would be an innovation here to interfere. It was the practice to prevent their interfering, from the dread that they should creep on little by little, and that their interference should grow into usage. But no such dread had been entertained with respect

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to the measure of subscriptions; and the whole course of parliamentary practice for one hundred years, was in favour of their passing it over; the constitution had not suffered, and was in no danger of suffering.

Mr. *Drake* was for the clause, because it did not tend to throw the slightest imputation upon ministers, who had received every support in this most just and necessary war. But he chiefly approved of the clause, because it would remove all doubts, and clear the ground for all men to come forward.

Mr. *Pitt* objected to the clause, not merely because it tended to throw doubt on the legality of the thing itself, but tended also to embarrass and encumber the measure. As the clause stood now, the application was to be confined to the purpose of the volunteers corps only; whereas, as it first stood, it might be beneficially applied to other purposes, such as the payment of the militia, and the new corps of fencibles.

Mr. *Grey* disapproved of the measure *in toto;* but as it was to be persisted in, he thought it prudent to give the measure a parliamentary sanction; and would therefore adopt the clause of the learned serjeant, as the least objectionable of the two. The right hon. gentleman now talked of extending the measure of the subscription to other objects. Every day they were plunging deeper into mystery, innovation and violence. Where was all this to end? *Principiis obsta* was the true lesson of wisdom which they had learnt from their ancestors. Precedents did not justify negligence; nor did usurpations establish right. But it so happened that there was not a single precedent to justify the proceeding.

Mr. *Fox* was for the clause as the least of two evils. As the measure was to be persevered in, he was willing to legalise it by the insertion of this clause, which however he should like better if it declared a doubt of the legality.

The motion for leave to bring up the clause was negatived: after which, the Bill was passed.

Debate in the Lords on the Volunteer Corps Bill.] April 11. On the motion for the second reading of this Bill,

The Marquis of *Lansdown* said, he expected that ministers, in bringing forward this measure, would have stated the grounds upon which they had brought it forward; but as they had not thought proper to do so, they had compelled him to guess at what they would say, and to answer by anticipation to their arguments. The ministers having laid before the House the circular letter of 1782, he would now prove the total difference between that and the present plan. Before he had adopted that measure, he had taken the opinion of the late lord Ashburton; which opinion completely justified the legality of the conduct pursued on that occasion. The difference between the two plans was this, that the letter which he had sent in 1782, was for the purpose of obtaining information from different parts of the country. The plan submitted to the consideration of the people in this letter, was not that they should subscribe money, but that they should arm themselves, and perform their exercise at the most convenient time. In these points, the difference between that measure and the present was obvious. By the plan of 1782, the officers were to be appointed by the chief magistrates of the various towns, &c. In the present instance, the officers were to be appointed by the king, through the medium of the lord lieutenant. He would now offer a few words on the present bill. It was said that this was a voluntary subscription: but it required no great judgment to know, that a subscription recommended by his majesty's ministers would come to many persons pressed so strongly that they could not refuse them: their patronage and influence were too extensive to admit of much free-will in a considerable part of the kingdom. If there should happen to be in opposition, a man of public character and eminence, and that man should possess a theatre, how easy was it for any cunning man in the service of administration to threaten him with a tax upon that species of property? The noble marquis concluded with hoping that some noble lord would move a clause, to make it legal to enter into subscriptions of this nature.

The Earl of *Abingdon* said:—My lords; Happening to be in the country when the motion was made the other day for censuring the measure of private subscriptions for public purposes, without the consent of parliament, and having in 1778 moved a proposition of like import to your lordships, I have now upon the late occasion to regret my absence from the House; for meaning, had I been pre-

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sent, to have voted for the previous question, I should have had an opportunity of explaining the reasons and motives of my vote. But let it not be presumed, that, in giving this vote for the previous question, I should have changed the opinions which I had before maintained; they were too well grounded on facts, and too well supported by authority at the time, for me, by any novel arguments now, to have departed one iota from those opinions; facts which the country has ever since had abundant reason to deplore, and authority, the greatness of which none will dispute, when I say, that I have now in my possession a letter to me, from the late earl of Chatham, in which he not only approves the measure, but "laments his incapacity of not being able, from indisposition, to give his support in a matter, certainly important, and well worthy of the public spirit that gives motion to the inquiry." I say then, my lords, that this vote would have proceeded from no change of sentiment in me, for the cases not being the same, and the times materially different, there was no call for any change of opinion. The case of 1778 was, that parliament was purposely adjourned, in order to prevent the interference of parliament with the private subscriptions that were then set on foot for public purposes; whereas, in 1794, the parliament is purposely kept sitting, with the view of legalizing that which otherwise would have been both unconstitutional and illegal. And as to the times, who is it that shall compare them together? In 1778, parliament was making war upon our fellow-subjects in America, for the purpose of laying unconstitutional taxes upon them. In 1794, parliament is making war, upon our old, natural, and ever to remain, implacable enemies, the now Sans Culottes of France; and for the purpose of saving our constitution from destruction. In 1778, subscriptions were had for illegal and unconstitutional purposes; in 1794, they are had both for legal and constitutional purposes.

Lord *Grenville* said, that ministers by no means founded their defence of this bill upon its similitude to the measure of 1782; on the contrary, they defended it upon great constitutional principles, they defended it upon the opinions of lords Coke, Hardwicke, and Mansfield, and upon the conduct adopted by every minister since the accession of the present family to the throne. But, if it was necessary, he could prove that the measure was perfectly similar in point of principle with the measure which the noble marquis himself brought forward; for, though there was not the word money to be found in the letter of 1782, yet the people were called upon to arm themselves, which could not be done without their laying out money; and so the persons to whom that letter was sent understood it, because they actually entered into subscriptions in consequence of it. It would be hard indeed if the people of this country were not at liberty to subscribe in defence of their laws, their property, and their religion.

The Duke of *Leeds* could not go the length, that the noble secretary of state had done, in stating that because a levy of men was suggested in the letter of 1782, it was the same as calling for a subscription, because men could not be raised without money; as well might it be said, that because the king has the prerogative of making war, he might call for money, because war could not be carried on without money. He did not think there was any thing blameable in either of the letters; but at the same time, they certainly were not of the same tenour.

The Earl of *Carnarvon* said, that the noble marquis had, in comparing the two cases of 1782 and 1794, made distinctions where there existed no difference; and, rather than let the measure of the present minister stand, would mix his own measure in a common ruin with it. As to the demand, as it was called, of a subscription, it was only a suggestion for the consideration of the people.

Earl *Stanhope* strenuously insisted on the illegality of calling for a subscription, or of the king taking any money from the pockets of the people, without the consent of parliament.

The Bill was read a second time.

Debate in the Commons on the Causes which led to the Failure at Dunkirk, and the Evacuation of Toulon.] April 10. Major *Maitland* said, that in bringing forward the motion which he was about to offer to the House, there needed no other apology, than the want of sufficient talents in the person who undertook it. If in legitimate wars for the support of our allies, for the vindication of our honour in resentment of an injury, or, what was by far the best of reasons, in our own defence, a parliamentary inquiry into the operations was always thought proper to

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be instituted, how much more necessary was it in a war like the present, the motives of which were inscrutable, and its objects undefined. As he meant only to trace the campaign as far as the British arms were engaged, it would be sufficient for him to observe upon the two leading operations which evidently were the plans of the British cabinet; namely, the unsuccessful attempt upon Dunkirk, and the still more unfortunate expedition to Toulon; but a variety of circumstances induced him to take a wider field of observation, by which he could show that every operation was unsuccessful in which the British arms were engaged. The safety of our allies could be attributed to no exertion of ours. The handful of men we were enabled to send to the succour of Holland could have done but little, even if they had had an opportunity, but before they came to act, the allies were already successful. If the avowed object of the war was to effect a change in the internal government of France, he would ask whether, after the safety of Holland was achieved, we could not have employed our forces better than by sending them to Valenciennes? An event happened about that time which certainly afforded a very favourable opportunity of overturning the democracy of France. The execution of Louis 16th had divided and convulsed all parts of that extensive empire. The armies of France upon the frontiers were beaten and flying in dismay before the victorious allies. In La Vendée there was a revolt in favour of royalty, supported by adherents so numerous and zealous, that had we co-operated with them while they were victorious and increasing, there was a better chance of effecting the restoration of the monarchy than could have been hoped for by acting in the Netherlands. Much confidence had been expressed with respect to the future success of the war after a campaign represented to be so highly glorious and advantageous to us and our allies. Perhaps it might not be amiss to view for a moment what were the sentiments of those allies themselves, relative to this vaunted success. The duke of Brunswick was undoubtedly at one time as sanguine in his hopes of success, nor did it appear that he left any thing undone to effect it. Yet at the close of the campaign, so little pleased was he with the specimens of French non-resistance, or so forlorn was the prospect of proving more successful, that he quietly returned home and resigned his command. What was the opinion of general Wurmser? Precisely the same as that of the duke of Brunswick, for he also resigned. He came next to that illustrious officer, the prince of Saxe Cobourg. There was little reason to suppose that he prided himself much more in the success of the campaign, or augured better for the future than the two former generals. It was not indeed confirmed that he had yet resigned his command; but he could state from good authority, that his resignation was not far distant, and the emperor in person was to assume the command. The opinion of the empress of Russia was not difficult to be discovered from the designs she was at present meditating. Since the accession of that princess to the imperial dignity, she never regarded the affairs of Europe in any other point of view than as she could convert them to her own interest and aggrandizement. From the events of the last campaign, she finds less occasion for concealment, and her views begin to unfold themselves. Oczakow was lately deemed of sufficient importance to involve this country in the distresses of a war, and we had now the prospect of seeing that same empress, whom we were then vainly bullying, making her triumphal entry into Constantinople to oblige the grand Turk to renounce his neutrality.—The opinion of the king of Prussia came next under observation. Of all the powers engaged in the war against France, there was not one for whose interference some reason might not be given save only the king of Prussia, whose concern in the business no ingenuity could possibly discover. Towards the close of the year 1789, when all Europe had recognised the new constitution of France, accepted by the king, his Prussian majesty was the only sovereign who, alive to the dangers that menaced the sacred rights of kings, protested against French principles, and prepared for their suppression. A combination of events succeeded, which drew other great powers into the confederacy which he was so anxious to form, and without having any reason to apprehend any injury they proceeded to the invasion of France. Yet the issue of the last campaign gave this champion of monarchy a different view of the subject; and, according to a state paper, which had appeared in the Frankfort Journal, he had ordered his armies to retire from the confines of France, with the ex-

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ception of his contingent of 20,000 men. —He came next to the opinion which the emperor himself appeared to entertain of the fortunate issue of this boasted campaign. View the condition of these armies, which in the commencement of the last year under Cobourg and Clairfait carried victory through Belgium into France. Stopped in the career of these successes, they lost ground in the close of the campaign; and now, instead of rushing on to repeat their victories, they remain immured in their intrenchments, waiting for an attack. In addition to this he had had recourse to what was thought so flagitious a measure in the French—the expedient of raising his people in a mass, and putting arms into their hands. Indeed, so contagious seemed to be the influence of French example, that the minister of this country does not disdain to imitate the persons he reviles. The French raised patriotic donations; he requires voluntary contributions; they raised the people of France *en masse*, and put arms into their hands; he raises the people of England *en masse* and puts arms into their hands also. The whole of the system pursued by ministers in this war was, a system of imitation, though if example should have influence in warning them, they ought to be deterred from it. In the American war it was said, shall an undisciplined rabble contend with the well-disciplined armies of Great Britain? Shall a vagabond congress not speedily be made prisoners? Shall their depreciated paper currency prevail against our gold? The supposition was scouted, but the fact eventually took place: such exactly is the cry at present. Shall the anarchy of France counteract the wisdom of cabinets? Shall their assignats be current against our solid guineas? Shall miserable Sans Culottes make head against the disciplined veterans of Austria and Prussia? Shall the rabble of Paris presume to make head against the duke of York? All this may seem improbable, and yet the thing has happened.—The proper period from which to date the settled plan of operations for the campaign, must necessarily be from the meeting of the congress at Antwerp. The result of that conference evidently was, that the allied armies should concentrate their force, and act with a united impulse. A judicious plan unquestionably it was, and while it was pursued, the confederate arms were victorious. Our misfortunes began from the moment of our departure from it. There was no difficulty whatever in ascertaining the quarter from whence this alteration originated. The allies in general could derive no advantage from a division of the forces, and tracing the measure to those who were interested in the particular enterprise, it naturally belonged to the cabinet of St. James's. In every military point of view all detachments must be hazardous, and their success must ever depend on celerity of execution. Yet, as if unconscious of this truth, founded upon reason and experience, three weeks had elapsed from the surrender of Valenciennes before the British forces proceeded on their expedition to Dunkirk; a delay the less excusable, as they were not in the interval engaged in any other enterprise or any active service. The duke of York arrived before Dunkirk on a fixed day, on which it was appointed, that the ordnance was to meet him. But on summoning the place, he had not a single gun to employ, or a single gun-boat to assist him. The master-general of the ordnance, and the first lord of the admiralty were equally parties to this neglect, so flagrant and disgraceful, that it demanded the strictest investigation. Thus did the gallant prince, who with diligence and ardour pursued the expedition, experience, in sight of his own shore, the painful mortification of seeing his project frustrated; and thus did his brave followers, flushed with the hopes of conquest, almost within the view of their kindred and their friends, find their laurels blasted. The ordnance arrived eight days after the appointment, and when the opportunity of using it was lost irretrievably. It had been said in the way of consolation for this discomfiture, that by the expedition to Dunkirk the allies gained Quesnoy, a place of equal importance. To this he would reply, that nothing was a recompence to us for the disgrace of our arms, and that another incidental acquisition was no apology for the neglect which occasioned that disgrace. Besides, it was an error to suppose that the capture of Quesnoy was a consequence of the attempt upon Dunkirk; for by making that attempt we hazarded both objects, whereas by remaining united, the allies would have made sure of conquering Quesnoy first and Dunkirk afterwards.—He next came to the affair of Toulon,

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in which there appeared a series of treachery and mismanagement dishonourable to the British name. How we became possessed of it had been represented variously by ministers, as it suited their purposes. At one time its surrender was held out as a proof of the confidence entertained by the good people of France in the faith of Englishmen, and the general disaffection to the existing government. At another time it was instanced as a proof of the great wisdom, skill, and intrepidity of lord Hood, who so completely blocked up a superior fleet in the harbour of Toulon, that by dint of famine he obliged them to surrender. He ridiculed the supposition of such a blockade as could induce such a city to surrender, and compared it to another celebrated blockade, that of Marseilles, by the same noble lord, as recited by himself, that he had received an intimation that general Carteaux was preparing to carry off from Marseilles a considerable sum of money; "which design," said the noble lord, "I have taken effectual measures to prevent, by sending a cruizer to hover on the harbour." The reasoning in both cases was equally absurd. While the harbour was blocked up, Carteaux could not take away the money by land, nor the Toulonese receive provisions. In truth, there was no denying that we obtained possession of Toulon by treaty, and by that only. The fall of the Girondists had spread disaffection and revolt throughout the extent of the republic, and more particularly in the maritime places. The whole navy, from the admiral to the common sailor, was hostile to the convention; and it was while this impression was on their minds, that lord Hood made that unfortunate acquisition. He did not, however, obtain it but on condition of affording them protection, and guaranteeing to them the constitution of 1789. Thus the transaction stood for a while, until there was an opportunity for the hand of the minister to appear in it, after which the Toulonese were promised to have such a government as should be agreed upon; that is, they were to be governed by an hereditary despot, who was to treat them better than the other despots, his ancestors. When lord Hood took possession of the place, he stated, that Carteaux was at hand with an army of 10,000 men to oppose him, and that the army of Italy, the number of which he did not know, was also on its march, yet having landed 1,800 men, he considered himself secure against any attempt that should be made. Thus, with an army of 1,800 men, he was able to defend a circumference of 15 miles, and man eight strong forts. If the minister was of opinion that lord Hood would have been able to starve Toulon into a surrender, he would unquestionably have provided against the event; but so unexpectedly did it happen after the discomfiture of the Girondist party, that they were not prepared with a military officer to command their army of 1,800 men. Captain Elphinstone, to whom the command was entrusted, behaved with that prudence and bravery which might be expected from his character; but being of the naval profession, he would not have been selected for that command, if the possession of the place had been in contemplation. Lord Mulgrave, an officer whom he was now glad to see in his place, and of whose military skill no man thought more highly, soon after took the command of 2,000 men, in addition to those who were already in the garrison, with which he put the enemy to the rout; and had declared in his official letters, that "he felt himself and the place in a comfortable state of security." As the garrison still continued to increase, the public mind might well be satisfied with such repeated declarations. About this time lord Hood, of his own authority, thought proper to give away four line of battle ships, by sending them to Brest to increase the naval force of our enemy. This was an act of authority which he was not entitled to exercise, and which should not pass unnoticed. It was not till the unfortunate capture of the courageous governor O'Hara, that the true state of this place began to be suspected in this country. Then came out the extraordinary discovery, that though a short time before such a handful of men as 1,800 were deemed a sufficient force against an army of 10,000, yet now it was apprehended that when we had 15,000 men in the place, we were not likely to maintain our ground against 35,000 besiegers. It was with extreme reluctance that he found himself obliged to impute personal blame to any officer whatever, but justice compelled him to arraign lord Hood and general Dundas of the greatest misconduct in not making provision against an event which was inevitable. Lord Hood was much to be blamed in not

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previously securing the whole of the French navy, which he might have brought off with the utmost facility. Both commanders were much to blame in not making dispositions for securing and bringing away the miserable inhabitants. It was true, that a considerable number had embarked, but small was that number when compared with the wretches that were left behind and given up a sacrifice to those, from whom they had escaped. The attempt to destroy the stores and navy was as pitiful as it was ineffectual. They were set fire to, but the fugitives could not tell the extent of the conflagration, and there was reason to think it fell greatly short of destruction. Had we been disposed to keep our engagements with the people of Toulon, there were sufficient means to have effected it. It was an opinion entertained under the old government of France, that Toulon, against a besieging army, could not be defended but by a covering one. The armies which should have covered Toulon were remaining idle in England, one under sir Charles Grey, and the other under the earl of Moira.—The expedition under that noble earl called for a few words from him. To show that this was a project with which the country had been amused without a hope of its being successful, he only desired to state his lordship's own words in the other House of parliament. Let those who think that we have been successful in the last campaign, or those who look with hopes to the better success of the present, consider how it is commencing. The same line of conduct is still pursuing in the Mediterranean which has failed at Toulon. An attempt is making to reduce Corsica with only 1,400 men—an enterprise that can be attended with neither honour nor advantage to the officers employed in it. The same uncertainty, with regard to the expedition of lord Moira still remains. In every point of view in which the subject can be viewed, it is one that demands inquiry. — He concluded by moving, That this House will resolve itself into a committee of the whole House, to take into consideration the causes which led to the failure of the army commanded by his royal highness the duke of York at Dunkirk, and the causes which led to the evacuation of the port and town of Toulon, by the army and fleet under the command of major-general Dundas, and vice-admiral lord Hood."

Mr. *Jenkinson* said, he was ready to declare, notwithstanding what had been so confidently asserted by the hon. major, that there was no expedition that had been planned by the British cabinet which had not been eminently successful, and that the whole system of the campaign was founded in sound wisdom and policy. In the first place, he would review the several enterprises that had taken place during the last campaign, and would next consider the system of the campaign itself. In no one instance had so considerable a force been raised as during the last campaign. The greatest force that this country in any former period had raised, did not exceed 22,000 men; the force that was raised and equipped in the last campaign amounted to upwards of 37,000. He would maintain that the expeditions under the duke of York were wisely planned, and ably and gallantly executed. No man could deny but that the preservation of Holland was entirely owing to the British guards being sent into that country. This was a circumstance that even the crafty Dumourier had himself acknowledged. Throughout the whole of his speech, the hon. major had evinced an unusual anxiety to take away all credit from the British government, in cases where the combined arms had proved victorious. The hon. major did not recollect, that in all the enterprises that had been planned by the combined powers, the British government had a very considerable share. Subsequent to the evacuation of the Low Countries, two very important actions had taken place, the battles of St. Amand and of Famars. The next object that came under consideration was the fall of Valenciennes. There the British was the besieging army under a British commander, and succeeded in the capture of that important fortress. He could not see any reason why the British arms should be deprived of the laurels that they so gloriously acquired in that enterprise, unless the hon. major would say, that there was a greater proportion of Austrians and Prussians than British troops in that army. Even admitting that mode of reasoning, the force of it would equally apply to the expedition against Dunkirk. Of that expedition he begged leave to say, that no possible blame could attach either upon the officers or men that had been engaged in it, but, on the contrary the greatest degree of praise.—He would now proceed to show why he ap-

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proved of the expedition against Dunkirk. The hon. gentleman had totally forgot to mention the event that occurred in the Camp de Cæsar. In the first place, he would consider the object of Dunkirk; and in the next, admitting the obtention of it to be an object, the force that had been sent against that place. No man could deny, that the capture of Dunkirk would tend to ensure safety to West Flanders, and the possession of it be of considerable consequence if at any future period an attack upon Lisle should be found necessary. The maritime benefits were also obvious, as Dunkirk would afford to the cruizers in the North Seas very considerable advantages. Considering Dunkirk as an object, it was clear, that if the expedition was to be undertaken at all during the last campaign, it could not be undertaken at a later period than it was, for various important reasons. Regarding the peculiar situation of Dunkirk, which, if it was not attacked at a particular season, could not be attacked at all, it was plain, that a detached body from the combined army was absolutely necessary to be sent against that place, at a time when the whole of the combined army could not be brought against it; for Mons and Brussels could not be considered safe till Quesnoy and Maubeuge were reduced. But though the attack had proved unsuccessful, yet the event of that attack had been productive of the most solid advantages. To repulse with success the army that had been sent against the place, it became absolutely necessary to draw together a considerable force, to be an overmatch for our covering army. This actually was the case; for the French having drawn off a very extraordinary force from the lines of Weissembourg, to repulse our covering army at Dunkirk, Quesnoy became an easy conquest. From this circumstance it was apparent that Dunkirk was looked upon as a great object by the French.—Considering the capture of Quesnoy, which was the undoubted consequence of this diversion, and regarding the other existing circumstances of that period, when the main army of the combined powers was directed to the obtaining advantageous posts, and to the keeping in doubt and in check the army of the enemy, no blame was to be imputed to the troops sent against Dunkirk for their want of success, inasmuch as they had to contend with a very superior force; nor to the planners of that expedition, for not sending the whole of the combined army to the reduction of the place.—The next point was the affair at Toulon. By the declaration at Toulon, the hon. gentleman said, that the British honour and the British faith stood pledged to the constitution of France. He begged leave to remind the hon. gentleman, that the words of the declaration were, "the constitution accepted in the year 1789." It was evidently upon this that the treaty was founded. The second article of the declaration stated that the white flag was hoisted. Every man knew that the white flag was abolished, by order of the constituent assembly. Then, taking the purport and the date of the declaration, wherein it was stated that peace and tranquillity would succeed the four years of anarchy and confusion, it was evident, that by the constitution of 1789, was not meant the constitution of 1791. But even admitting that to be the case, the inference that had been drawn was totally false; namely, that we pledged ourselves, in the most unqualified manner, to render protection to the inhabitants of Toulon; for lord Hood only said, that if the Toulonese declared themselves in favour of the French monarch, his Britannic majesty promised them conditional protection. The Toulonese in consequence declared in favour of Louis 17th, and lord Hood, in the name of his Britannic majesty, promised to protect them, and to restore the town to Louis 17th, when on the throne of France, and when we were at peace with that kingdom. We did not, as the hon. gentleman had stated, promise to do one thing at one place, and another thing at another place. No; the conduct pursued by Great Britain during the campaign was uniform and consistent. What was the real object of the war? It was not to establish any particular system of government; but to destroy an existing system of government in France. He would contend that the language that was held by his noble friend was perfectly consistent. It was to be recollected, that the subjugation of Lyons had enabled the French to come against Toulon with considerably superior force. Insinuations had been thrown out that were totally groundless, relative to the evacuation of Toulon; but he had only to observe, that every man was taken from that town, on its evacuation, that felt disposed to go. The commissioners had acted with great humanity, and no blame could be imputed

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to them. There were some of the inhabitants who would not leave the place, in the hope of gaining the good will of the enemy, by opening to them the gates of the town. With respect to the four ships, the only reason fo sending them into the port of the enemy was, that there were 5,000 French seamen in the harbour of Toulon, so excessively turbulent, that, for safety's sake, the commissioners were obliged to send them away in the four ships.—The hon. major blamed administration for not sending our whole force against Toulon. That was an engagement into which Great Britain had never entered. Our engagements never went to that extent. As considerable a force was sent to reduce that place, as, under certain circumstances, ought to have been sent. The next point of complaint was, that the expedition under lord Moira had totally failed. This could not possibly be the case, since the expedition had not in fact proceeded to any extent; for till the royalists came towards the coast, we had continued the war in Flanders. If the war was to be carried on in Flanders, it became impossible for us to send any effective force into the interior of the country. As soon as ever the royalists made approaches towards the coast, we instantly prepared to succour and assist them.—He would now offer a few words respecting the system of the campaign. A good deal had been said about the term, "security." A right hon. gentleman (Mr. Fox) had, on a former occasion, said, that the same security might be had in this war as in any former war, and had adduced the treaty of Ryswick. In regard to this, he would contend that there was not the least possible ground for such an argument, and that the instance could not bear out the assertion. That right hon. gentleman should have recollected, that the treaty of Ryswick was concluded by Louis 14th at a period when that monarch had a design to introduce the Pretender into this country; and in order the more effectually to put that design into execution, and to throw a veil over his intention, he entered thus perfidiously into terms of peace. But was that a parallel case? Most certainly not; for then this country entered into a peace that was grounded on a temporary security, while at the same time she ran the risk of any circumstances that might, in the course of human affairs, arise either to destroy or confirm it. Was that the case of France at present? No. Great Britain had not the least security for a single hour. Were this country to make peace with France under the circumstances existing at present in that unhappy country, independent of the insecurity that was attendant upon such a peace, inevitable destruction would fall upon the head of the person there that should conclude it. This he considered to be a complete answer to the assertion of the right hon. gentleman. All the disorder, anarchy, and confusion that distracted France, flowed from one source, namely, the Jacobin club. It was the object of the Jacobin club, ever since the destruction of Federalism, to extend their influence to several corresponding clubs throughout the country. In the execution of this, the Jacobin club took especial care never to vest any of those inferior clubs with supreme authority, but to make them uniformly dependent. Hence he argued, that if the Jacobin club was once destroyed, the several inferior and dependent clubs, from the circumstance of their being so numerous, would not immediately agree in any one object round which they might rally. It was generally allowed that the influence of the capital in every country was very great, but in no country was it so great as in France at the present day. Another argument advanced by the honourable major was, that the people were less disposed to insurrection now, than they were during the last campaign. But the inference that the hon. gentleman had drawn from this, was wholly unfair. Would the hon. gentleman prove, that although actual insurrections were not now so numerous nor so great as they were during the course of the last campaign, the seeds of insurrection and rebellion were less now than they were this time twelvemonth? From his own knowledge, he would assert, that the spirit of insurrection was as great, if not greater, at the present day, than it was last year in the three greatest cities next to Paris, namely, Lyons, Marseilles, and Bourdeaux. There were other places where that spirit of disaffection had manifested itself in a very strong degree. When the royalists had lately passed the Loire, they were allowed to proceed forward without meeting with any obstacle from the peasantry; but when the republican army had passed the same way, they were fired upon from the villages. Sure he was, that if the Jacobin system was

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destroyed in Paris, the system of anarchy would be destroyed in France. Now, what was the best means of destroying this system of Jacobinism? If the war was carried on in Brittany, it could not be carried on in the Low Countries. Were that system pursued, there was no possible chance of succeeding. To carry on the war entirely in Brittany, was to bring consequent destruction upon our army. Defeat and dismay must have been the inevitable consequence. In his opinion, the best mode of carrying on the campaign was, the making ourselves masters of several posts in the Low Countries, so as to secure the marching forward of the combined powers into the interior of France. He had no difficulty in saying, that the marching to Paris was attainable and practicable; and he, for one, would recommend such an expedition. While the present system existed in France, the enemy had only one advantage over us, namely, the power of bringing a superior force to any one place. But on our side there remained many considerable and peculiar advantages: we not only excelled the enemy in strict military discipline, but in the superior force of our cavalry. In the present disorganized state of France, it was impossible that she could raise cavalry as easily as infantry. During the latter part of the last campaign, the cavalry of the combined powers, owing to local circumstances, had been of very little service. The moment that the posts that ensured safety to the marching forward of the combined powers were secured in the Low Countries, at that very time the cavalry could be brought to act with very considerable advantage. Under the disadvantages that he had before stated, Valenciennes and Quesnoy fell before the victorious arms of the combined powers. There was every prospect of success in the next campaign. The valour of the British troops was distinguished in the last, as it ever had been in every campaign. He would leave the French to exult on account of the battle of Jemappe, where, *mirabile dictu!* 60,000 Frenchmen defeated, though with considerable difficulty, 17,000 Austrians. At the same time, he need not mention the battle that was fought at Lincelles, where 1,500 British troops defeated and cut to pieces no less than 5,000 Frenchmen. That signal victory would remain an everlasting honour to the men and to the commander that engaged in so hazardous an enterprise. It was said, that this was a commercial country; but the only way to preserve that commercial prosperity was, by encouraging a martial spirit in this country; that sort of martial spirit that in cases of emergency would find its way to the plough and to the loom. Since we had, during the course of the last campaign, defended Holland, captured Quesnoy, Valenciennes, and Conde, recovered the Low Countries, and almost crippled the French navy, he could not see the least ground for the present motion.

Lord *Mulgrave* conceived it his duty, from the situation in which he had happened to stand at Toulon, to reply to the allusions which had been made to the transactions that took place there. There appeared to him to be three points, to which the objections of the hon. major seemed principally to be directed. A want of faith in the conduct of the civil affairs of that town; a neglect in providing the necessary means of defence; and a criminality in the manner in which the evacuation of it took place. With respect to the civil affairs, he utterly denied that any thing like breach of faith was imputable to the British upon the occasion. In taking possession of the town, there was but one insulated provision adopted, by which the regal government in the most general terms was established. With respect to the hoisting the white flag, he related an anecdote to prove that it was an act not imputable to the British, but purely that of the inhabitants. On the day on which it was resolved to hoist the white flag, the principal magistrate of the town waited on him, as commander in chief, and requested his presence, and that of his officers, at the ceremony of exchanging the one flag for the other. To this request he found it his duty to give the most absolute denial, alleging at the same time as his reason, that the act itself was that of the French nation alone, and therefore he conceived it highly improper that the presence of foreigners should give it the appearance of being done under their influence.—With respect to the constitution of 1789, that was adopted in the stipulation between the people of Toulon and us, for the purpose of quieting the fears of all descriptions of persons, and of removing all apprehension of the restoration either of the ancient or modern despotism. In fact, so little were the people agreed as to what were the terms or constitution for which

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they had stipulated, that he found the most opposite sentiments entertained upon the subject. Some felt such detestation and horror of the old despotism; her bastiles, lettres de cachet, &c. that they were ready to undergo every extremity rather than submit to it; while others, conceiving that they had adopted the ancient system, wondered at the continuation of the modern authorities, the sections, tribunes, magistrates, &c. when they had agreed to the restoration of monarchy, with all its appendages of nobility, orders, and priesthood. Thus they themselves were by no means agreed as to what should be their future form of government.—With respect to the departure of the four ships, the transaction was simply this: when the town was given up, it was by treaty, which provided for the preservation of the public property: of this description were the shipping, which, however, were not surrendered but with great difficulty; and indeed a part of them came into terms only because they found their force inadequate to the means of resistance. In this fleet were above 6,000 seamen, who made no secret of their aversion to the counter-revolution, and who behaved in so riotous a manner, that it was found necessary, for the preservation of the remainder, to sacrifice a part; and by furnishing them, according to their desire, with four ships to carry them to Brest, to avoid the two evils, either of keeping them within their own walls, under continual alarms, or to have turned them out to increase the force of the besieging army.—With respect to the situation of Toulon, subsequent to this period, he had somewhat to state. And here he begged to notice a remark that had been made on him in his absence, that he had sent home dispatches, stating the comfortable security of the place, and yet had followed them home within a few days himself. The fact was, those dispatches had been sent off a considerable time before, but, by delays on the way, had not reached this country, till close upon the time he was obliged to return. Never did he quit a situation with such regret. Having held the rank of brigadier general *pro tempore* before any communication had taken place with this country, suffice it to say, the appointment was not continued by the authority here, and he therefore was obliged to return, in consequence of the new commission that was appointed, not being able to act in a subordinate capacity. With respect to the grounds upon which he held out the idea of a comfortable security, as to our continuance in possession of Toulon, they were these: instead of an extent of fifteen miles that we had to defend, the farthest extent of any of our posts did not exceed two miles from the centre of Toulon. It was true, that of the eight posts we occupied, the whole of them were not in such a state of forwardness as we could wish, owing to a want of engineers; but in return for that, the besieging army, under Carteaux, was composed of the very worst troops in France, none of the troops of the line having as yet joined them; and from the manner in which the general himself occupied certain posts, to the neglect of others more advantageous, he was not lead to form any very high idea of his skill, or to conceive any violent apprehensions of danger from his efforts. Lyons, too, had not at that time fallen, nor did he expect it would, at least speedily. Add to all these circumstances, he had applied to general De Vins, who commanded the Piedmontese troops, for succour, who returned him for answer, that though he could not immediately assist him as he wished, yet he had such well-grounded hopes of success, that he trusted he should be able in a short time to force the French to evacuate Nice, and to succour him with redoubled effect, by an addition to his force of twice the number, and also by the discomfiture of the common enemy. The failure of that general in those plans, he had not learned at the time of his sending off these dispatches.—With regard to the evacuation of Toulon, he was convinced no blame could attach to the conduct of the commanders. If public preparation had been made for that event, interruption from the enemy, or opposition from our allies, might have impeded or prevented the effect of such preparation. As to the charge of neglect in ministers in providing the means of defence, he would stake his life, his character, and every thing most dear to him, as a man and a soldier, that if the whole of the garrison had been British, he would have preserved Toulon to this country down to the present hour.

Sir *James Murray* said, there was a circumstance or two that had been stated by the hon. mover, to which he wished to speak. He was still convinced, that the main seat of offensive operations near

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Valenciennes was well chosen, as at the same time that it afforded the best prospect of penetrating France, it effectually secured a defensive barrier to the Netherlands. Whether, therefore, we looked to self-defence, or successful attack, the choice was most proper. Dunkirk was allowed on all sides to be a place of great importance; if so, it was proper to attempt to get possession of it, and this could not be done in any other manner than what had taken place, without losing sight of the main plan of the campaign, as conducted by the prince of Cobourg; for if the whole army had attempted it, the other objects must have been relinquished. The policy of a detached plan was to be estimated by the injury it might occasion to the main object, however desirable in itself. In this case, no injury whatever occurred to that, as the siege of Quesnoy was necessary, and the remaining force of the prince of Cobourg was fully adequate to that undertaking. When it was determined upon as a detached plan, no time was lost in following up the execution with as large a force as could be spared after the capture of Valenciennes, and the army was before Dunkirk on the 23d of August. On the 5th of September it became necessary to retreat. The cause of this event was, the immense force the enemy had collected. A part of the army of the Rhine and Moselle had joined the northern army by the 22d of August, and nearly at that period the siege of Dunkirk was commenced. He disclaimed all imputation on the board of ordnance, and said the retreat from Dunkirk was not owing to the want or late arrival of cannon or stores. The time fixed for their arrival was between the 20th and 28th of August, and in fact, part arrived on the 22nd, in the morning. The most important plans of the campaign had succeeded, and it was but little detraction of its general success to say that a detached plan had failed. It never was seriously intended, that he knew, to penetrate, in that campaign to Paris, or near it. The exertions to save Dunkirk contributed to the loss of Quesnoy; if the siege of that town had been forgone, he had no doubt that Dunkirk would have fallen. He could not agree, however, that the failure before Dunkirk had contributed to the want of success before Maubeuge; they were objects totally distinct. The siege of Dunkirk, as it failed in its object, might be called a defeat but it was not every defeat that entailed disgrace. The retreat from Dunkirk was not only slow and orderly, but was also short, and was soon converted into offensive operations.

Mr. *Canning* expressed his thanks to the hon. mover of the question, because it had brought forward the only fair, manly, and comprehensive attack upon administration that had yet been made, and at the same time afforded them the means of justification. As to inquiries, he had heard some gentleman say that he wished for such inquiries annually; the only way he could explain this was, that he wished for annual failures to produce annual inquiries. Two attacks had been made upon ministers very inconsistent in their nature: the one, that the objects of the war had never been defined; and the other, that Toulon had been evacuated after being taken possession of under a defined and specific treaty. He alluded to the discussion which had taken place on the treaty with the king of Sardinia, and contended, that if it was insisted on, that we were bound by lord Hood's proclamation not to make peace till Louis 17th was seated on the throne, as well might we say that the guardian of an heiress, who had her fortune in trust, was pledged to marry her if she could not find another husband. The Toulonese wished for a monarchy; we agreed to do what we could for them: we had said by proclamation, if monarchy is established we can make peace, but we never made it the *sine qua non*, and said, that until monarchy is restored, we never will make peace. Upon a review of the whole transactions of the war, he gave his warmest approbation to the conduct of ministers, and asked, what would have happened had those on the opposite side been in power? We should have been at peace and in alliance with France, and as we must have taken care of Poland, at war with Austria, Russia, and Prussia; and in this state of Europe we must have guaranteed the Netherlands to our allies the French. This, he thought, was the situation in which we should have been. The subscriptions for the relief of Poland proved it, and we should have been plunged into a war by those constitutional subscribers for Poland, who would not subscribe for the safety of their own country. The French would have been our best allies; we should have had no alien

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bill, no traiterous correspondence bill: French emissaries would have been our best friends, and our coffers would have been filled with French assignats. Nothing had been brought forward to support the motion except general and vague declamation upon the calamities of war, which applied equally in every instance as in the present.

Sir *William Young* opposed the motion, because, in his opinion, there was no good grounds for instituting the proposed inquiry. The war had been wisely conducted in every quarter; and it became the House and the country to support ministers in the measures they had adopted for the ensuing campaign. He concluded with saying, that from the very able manner in which the noble lord (Mulgrave) and sir James Murray, had explained the whole of the campaign, every farther remark from him would be superfluous.

Mr. *Courtenay* adverted to the declaration of Mr. Canning, that if the opposition had been in power, there would have been no war. He confessed it, and supposed that the hon. gentleman had brought this forward as a charge of recrimination. Of course the hon. gentleman then attached a merit to the war, which unveiled the hypocrisy of its promoters, and served to hold it out, not as a war of defence, but a war of acquisition. The young statesman, like a new apprentice to his trade, had thus unwarily disclosed the secrets of his master. Perhaps he was not enjoined to secrecy, and without that injunction had imprudently, though zealously, betrayed the craft and mystery. In regard to the rest of his speech, he had endeavoured to catch the spirit of it, but so soon as it was poured out, it evaporated. He strove then to condense the thin floating vapours, and make them palpable, but all his endeavours were in vain.—Mr. Courtenay then reviewed the arguments of sir James Murray with respect to the brilliancy of our arms at Valenciennes, Condé and Quesnoy. The hon. baronet ought surely to be apprized by what means these places were taken. They were taken in consequence of the treachery of Dumourier, without which none of them could have fallen into the hands of the combined armies. When Dumourier revolted, the republican army consisted only of 17,000 men; what, he would ask, was their number now?—He then took notice of the laboured defence of the operations before Dunkirk, and observed, that the present motion went not into the measures of those who conducted, but of those who projected it. The plan was formed in the British cabinet, contrary to prince Cobourg's opinion, and the opinion of other able officers.

Mr. *Hiley Addington* said, that the only instances in which we had been unsuccessful were at Dunkirk and Toulon. He could not see the use of moving for an account of the stores left at either; because, admitting the quantity to be great it would furnish no presumption that ministers had not provided ample means for the operations to be performed. He bestowed high panegyrics on the duke of York and lord Hood, and hoped the war would be prosecuted till the security of this country both internal and external, was fully ascertained.

Mr. *Thompson* said, the subscriptions for Poland were to aid an oppressed people; and if the people of this country should ever be oppressed, those who promoted the Polish subscription would be the foremost to subscribe.

Mr. *I. H. Browne* said, parliament could have voted money for the Poles as well as for any other purpose, had it been thought proper; and therefore there was no reason for that subscription, which did not apply more forcibly to the subscriptions now proposed by ministers.

Mr. *Fox* said, that having heard no argument against the proposed inquiry, he should not repeat the arguments in favour of it. The noble lord (Mulgrave) admitted that the loss of Toulon was a misfortune. This of itself was ground for inquiry but had never been urged as ground for censure, unless inquiry should show that there had been misconduct. The noble lord thought also that the misfortune might have been avoided if the aid expected from our allies had been furnished, or if the succours ordered by ministers had arrived. This proved the necessity of inquiry; for it was material for the House to know in what manner the plans of the ministers had been frustrated, whether by the fault of ministers, or of any other person. We had promised protection to the people of Toulon, and if, on the evacuation, we took away all those who were desirous of coming away a circumstance on which the numerous subsequent executions there tended to throw a considerable degree of doubt, we

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had the less to lament in our failure. But if our allies did not give us all the assistance they might have done for an object so important, it concerned the national honour to show the world that we had not failed from our own fault but from their backwardness. It was also matter of policy to know whether or not the emperor, the ally on whom we must chiefly depend in future, had promised aid, which on another view of circumstances he thought proper to withhold. With respect to the question asked by an hon. gentleman, what he and his friends would have done had their counsels been followed, he should only observe, that the querist immediately answered himself, for he immediately added, that all their motions in that House led to peace. It was highly honourable to the duke of York, that in all the debates on the conduct of the war, no shadow of blame had fallen upon him; and that after raising the siege of Dunkirk, West Flanders had been recovered under his immediate orders. His admiration of the conduct and valour displayed at Lincelles, was not less enthusiastic than those who extolled them the most; not the more, but certainly not the less, because he had the honour of numbering the gallant officer who commanded among his friends; but particular brilliant actions, in which small bodies of men defeated forces much superior in number, were rather proofs of mismanagement than of skill on the part of those who directed the general plan of the campaign. We were now told that the object of the war was Paris, and that in order to get thither, we must win our way town by town. He did not mean to question the choice of the means if such was the end. But a more melancholy prospect could not well be presented; and gentlemen who now believed that Paris must be taken before we could look for peace, would, he imagined, go home with less sanguine hopes than they had hitherto entertained.

Mr. *Pitt* said:—At the present advanced period of the debate, I must own I have very great doubts, whether I ought at all to trespass upon the patience of the House. When the hon. gentleman gave notice of his motion, he asserted, that no action in which the British arms or councils might be supposed to have a peculiar share during the course of the campaign had been successful. Upon that ground I professed myself ready to meet him. I must confess, however, that I had some doubts, whether he had really any serious views to press that point much; and these doubts were suggested by the circumstance of the delay which had been allowed to take place in bringing forward this motion. There are only two purposes for which the present motion can with any propriety be brought forward; first, either to point out the errors of the last campaign so as to afford a lesson of salutary warning, or, secondly, to state such gross neglect and misconduct on the part of ministers, as to demand their removal from office. When I heard the arguments of the hon. mover, I could not help taking notice, that he confined his animadversions entirely to what had taken place in Europe, though what he professed to attack was the conduct of the British arms, and in all our extensive operations in Europe, we had in almost every instance been engaged along with other powers: but, of the effect of our operations in other parts of the globe, where British arms had been exclusively employed, he said not a word. In this instance I cannot help admiring his prudence. The hon. gentleman was aware, no doubt, of our large acquisitions in the East-Indies. He was aware of our having acquired that valuable fishery which belonged to the French in Newfoundland. He was aware of our having recovered the island of Tobago, which we had lost in a former unfortunate war. He was aware of all this, and his attention must have been called to valuable and important acquisitions in the West-Indies, which we had every prospect of making. The hon. gentleman, however, with singular discretion, confined himself to Europe. How far he had in this way succeeded in raising ground of suspicion of the conduct of ministers, the House must decide. Though the hon. major confined his motion to the transactions at Dunkirk and Toulon, he endeavoured to prove that there was misconduct in the whole of the operations of the campaign. The fair state of the question then was, whether, taking in the whole review of the campaign, the result was such as to justify going into an inquiry? The point has already been so powerfully argued by my hon. friend (Mr. Jenkinson) as to render it unnecessary for me to enter into the subject. I shall only take a short review of the proceedings of the campaign, with a view to the proposition maintained by the hon. mover of the ill success of every operation in

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which the British troops have been peculiarly engaged. The hon. gentleman chooses to take up his view of the share which the British troops had in the campaign from the date of the congress at Antwerp. From some strange mistake of date, he supposes the guards under the command of the duke of York, not to have arrived in Holland till the first decisive advantages had been gained over the French by the Austrian troops. This, however, was not the fact; to the seasonable arrival of these guards may unequivocally be ascribed the salvation of Holland. The presence of a British prince, and of a small but chosen band of British troops, had the effect of inspiring the Austrians, of giving vigour to their efforts, and of saving that country, which was united with us in the strictest bonds of alliance, and which it was of most consequence that we should protect from the fury of the enemy. The congress at Antwerp, in which were concerted the future operations of the campaign, was followed by the acquisition of Conde, Valenciennes, Quesnoy, the affair at Famars, &c. At Dunkirk and Maubeuge, the efforts of the armies were unsuccessful, so that of five places which were attempted, three were gained, and at two we failed. But as both the British and Austrian councils were combined in concerting the plan of operations at the congress of Antwerp, both were entitled to a share of the merit in those advantages which followed. In all those actions which had been attended with the most distinguished success, the British troops had a great share. The Austrians, in every instance, assigned them the foremost place, a circumstance equally honourable to themselves, as it showed them though piquing themselves upon their character of being the first military nation in Europe, to be free from all mean jealousy, and invidious rivalry. It was honourable to the British troops, as it proved that, though fighting along with a nation the most renowned for their valour and discipline, their exertions were such as could not be put to the blush, and even qualified them to take a lead in the operations of the campaign. And however we may regret as a fact, the failure at Maubeuge, it still may serve as an argument to account for the failure at Dunkirk, without the imputation of blame in any quarter, since it shows that the Austrians, though much more numerous, under the command of an able and experienced general, failed in an enterprise, much more important than the acquisition of Dunkirk, from the influence of similar accidents with those which occasioned the failure of the British troops in that quarter.—It now remains to determine, whether, taking in the whole circumstances of the campaign, the salvation of Holland, the recovery of the Netherlands, the acquisition of several important frontier towns, the result has been victory or defeat, success or disappointment. I am ready indeed to admit, that the degree of success may not have perhaps been equal to our wishes or to those hopes which we had formed in the first instance. This was easily accounted for, from the extreme anxiety of the public mind with respect to the object in view and the very great importance of the stake. It was indeed natural to wish for complete victory, where nothing short of complete victory could confer any degree of security, or be effectual to the attainment of our ends. Besides, our hopes had been raised to the highest pitch by the rapid and astonishing success, which had attended the commencement of the campaign; and the circumstances which afterwards occurred to retard the progress of our arms, must somewhat have damped those sanguine expectations which had led us to look forward to a continuance of the same success, though these circumstances were by no means such as ought to induce us to despair, or be allowed to blast our ultimate prospects of a favourable issue to our exertions. Having said so much on the general result of the campaign, I shall here remark, that the question has been taken up in another point by an hon. friend of mine (Mr. Canning) who, from the ability he has displayed on the only two occasions on which he has hitherto spoken in this place, has afforded the House ground for the most flattering anticipation of what they have to expect from his future exertions. My hon. friend has asked, what would have been the situation of the country, if the councils given by gentlemen on the other side had been adopted? That he admitted it might possibly have been peace, has been taken up by them as matter of exultation and triumph. They have asked boastingly, what becomes of all your arguments who stated the present to be a war strictly defensive? But what was the sort of peace described by my hon. friend?—a peace which at best would only afford a temporary and delusive repose. And at

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what price was this to be purchased?—They must have been contented, in order to purchase this peace, to have passed by the attacks of the National Convention upon the independence and security of this country; they must have broken the faith of treaties; they must have sacrificed Holland; they must have given their sanction to the ambitious views of the French with respect to the Netherlands. I do not affirm that any gentleman on the other side ever said he would make peace on those terms. But what do they mean when they contend that the war on the part of this country was unnecessary and unprovoked? Must they not admit that all these things were done by the French? And while we were waiting to the last moment in order to see whether any of them would be recalled, did they not crown the whole by a declaration of war? Having spoken to the general state of the campaign, I shall now shortly inquire, whether the particular failures stated by the hon. gentleman, be of such magnitude and attended with such circumstances, as afford ground of suspicion and justify going into an inquiry. With respect to Dunkirk, I stated my opinion on a former day, that its acquisition was certainly so far desirable, if it could have been obtained without taking up too much time, or employing too great a proportion of force, so as to interfere with other objects of the campaign. It has been repeatedly stated, that this enterprise against Dunkirk was exclusively the measure of the English cabinet. I have no hesitation in saying, that as ministers and commanders must necessarily be combined in concerting military operations, as well as blended in the responsibility, the distinct share which they may have in advising a particular measure, is a subject not fit to be discriminated or discussed. But if any gentleman says, that the expedition against Dunkirk was undertaken without the complete concurrence of the royal person who had the command upon that occasion, or the other commanders, both as to the time and the mode of carrying it into execution, I must inform him that he is entirely mistaken as to the fact. As to the two points which have been brought forward to account for the failure of that expedition, the delay of the ordnance necessary for carrying on the siege, and the want of a naval reinforcement, I have only to repeat that the failure was entirely owing to the circumstance of the covering army, under the command of marshal Freytag, not being able to stand its ground against the immense force, which, by dint of extraordinary exertions, was assembled from all quarters by the enemy. As to the blame which has been attempted to be attached to the conduct of the first lord of the admiralty, in not having sent a naval force to co-operate in the purposes of the siege I not only affirm that the failure was independent of the want of such co-operation, but I deny that it could have been in the smallest degree useful. To the conduct of the first lord of the admiralty in particular, no blame can apply. All ministers are certainly equally responsible for the direction of his majesty's naval force, and I have no hesitation, in the present instance, to take that responsibility upon myself to the fullest extent. As to the delay in sending the ordnance, not the smallest blame can apply to the noble duke at the head of that department; the requisition was not made till a very late period; every exertion was used by that noble person to get it in readiness as soon as possible; and after all, it arrived only two or three days later than the time for which it was demanded. The whole ground, then, that can be stated, for going into an inquiry respecting the conduct of the siege of Dunkirk, is the failure of that enterprise. Amidst a variety of expeditions, and an extended line of operations, failures necessarily must take place; such always has been the fortune of war, nor can one or two instances of this sort, where there appears no presumption of gross misconduct, no palpable ground of suspicion, ever justify a particular inquiry. We should then indeed have what has been recommended by an hon. gentleman, annual inquiries into the conduct of every campaign. On the business of Toulon, it is only necessary for me to say a few words. The force collected in that place, within so short a period, though unfortunately unequal to retain it, afford sufficient proof that there was no want of diligence and exertion. If it be considered, that we did not receive intelligence of the capture of that place till September, that a variety of expeditions were going forward, and the forces employed in different quarters; that the place itself was so remote as not to be capable of receiving any speedy reinforcement, it will appear no ordinary effort, that, previous to the evacuation,

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there were collected together for its defence not less than 17,000. I therefore contend, that there is no necessity for the present motion, either from the events of the campaign, or from the conduct of the officers; and that the time at which it is brought forward, and the grounds on which it is urged, all furnish the strongest objections against going into the proposed inquiry.

The House divided:

Tellers.

Yeas	Major Maitland Mr. Whitbread, jun.	}	35
Noes	Mr. Jenkinson Mr. Sargent	}	168

So it passed in the negative.

Debate on the Earl of Lauderdale's Motion respecting the Trials of Mr. Muir and Mr. Palmer.] April 15. The Earl of *Lauderdale* began, by saying, that he should be as void of taste and judgment, as of decency, if he did not apologize to their lordships for presuming to bring before them the question to which he was about to call their attention. The subject was of such a nature, so complicated, so technical, and so involved in legal difficulties, that even to a man of professional habits, it would demand all his research, and all his powers. How then could he, who had no professional habits, presume to encounter the difficulty? The best apology that he could make, was simply to state to their lordships the truth. Owing to the unparalleled circumstances in which, of all the representative peers, he had the honour to stand, he was led to look at the trials which had lately taken place in Scotland, and compare them with the sentences which had been passed upon similar offences when tried before the courts of England. His surprise at the difference of punishment in the two countries, led him to look for antecedent cases in the practice, or in the statute law of that country, to justify these proceedings. He had done this in vain: not one case in the whole history of the Scotch criminal law stood upon record, either to justify, or even to countenance the proceedings. Nor was there a statute existing by which they could be maintained. In this state he thought it his duty at the commencement of the session to throw out his opinion on the subject, but he abstained from sooner bringing it before their lordships for regular discussion, in hopes from what was passing in another House, that it would have been brought before them as a legislative act. He had now no prospect of this, and therefore it fell to him to bring it before them in the best way that he could. He was sensible of the general propriety of supporting the existing government, and that men desirous of preserving the order and happiness of society, would be ready to apologize for the inaccuracies and errors which might occur in the most wholesome system; cases, however, might occur, when it would be even the most sacred duty to resist the government. He could not deny this doctrine without committing a libel on the Revolution: it was the avowed generic doctrine of the happy system under which we lived; and holding this doctrine with regard to all constituted authorities, it was most particularly true with regard to judicial establishments. No duty could be more sacred than respect to the judges; but this, like every other must have its bounds; there must be a necessary limitation of the principle arising from a comparison betwixt the magnitude of the evils of which you may have reason to complain, and that of the danger which you are likely to create. If the sentence of a judge shall be such, as to be likely to do more injury than the animadversions which he might make upon it could produce, he should consider it his duty to bring the subject forward, and to prevent the greater evil by the less. He considered the present cases as of a nature calculated to strike at the very foundation of all obedience, and consequently as calculated to engender discontent, intemperance, and disorder. It was a subject, therefore, that demanded the most serious attention of their lordships; and however much he might feel the risk, by bringing the subject forward, of incurring the imputation of rashness, he felt comfort from the circumstances under which he did it, since, if there was any poison in the agitation of the question, its antidote would be found in the prudence, ability, and knowledge of the noble persons he saw about him. There was one learned lord, whom he had the happiness to see in his place, who had for so many years so distinguished himself by the unparalleled equity, impartiality, and skill with which he had decided on the appeals from the part of the country in which the cases now the subject of discussion had arisen, as to make his conduct

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on this occasion likely to make a much greater impression in that part of the kingdom than that of any other individual. He alluded also to the learned lord on the woolsack, whom he was sure no prejudice to him would prevent from exerting his great talents on the present occasion, either to make manifest the correct conduct of the Scotch proceeding, so as to do away the consequence of his rashness, or, if the proceeding were really deficient, to prevent the evils with which it was pregnant, by a seasonable exercise of the undoubted inquisitorial powers of the House. There was also another noble lord (Mansfield) who had pledged himself to justify the conduct of the Scotch judges, and who, he had no doubt, would take a part in the discussion. He had no hesitation, therefore, in bringing it forward, when he had this security against any possible rashness of his own, and especially as he thought that it was a case of all others the most proper for the interference of that House; for there lay no appeal from the sentences of the justiciary court. All the analogies of the constitution were in favour of such interference. There was an appeal from all other criminal courts in the kingdom, as well as from the supreme civil court of Scotland. Then, viewing the subject in this light, it became his duty to bring the subject into review. In doing this, he disclaimed all personal motives; he meant to mix no accusation of the learned persons of whose sentence he complained; he had the utmost respect for those persons; early habits had led him to a general acquaintance with them all; and, though their ages were different, he had the honour of the friendship of several of them.

It was said, would you strive to alter the laws that have existed so long, and which have given the country universal satisfaction? Whether such attachment ever did exist, was, in his mind, extremely doubtful. It could be determined from one only of four ways. 1. From the general voice of the people of Scotland with regard to their laws. 2. From the opinion of those the most conversant in the law. 3. From the testimony of the writers on the subject—and 4. From the history of the law, the changes it has undergone, and the present practice. He would venture to say, that no one would attempt to justify the assertion, that the people were attached to their law, and that they had been happy under it, by any one of these four methods of test. He had lived very much in Scotland in the early part of his life, and he had seen a good deal of it lately, and he would venture to say, that men in general thought them unjust. That the persons the most conversant in the Scotch law, had delivered opinions against it, he could show from Mackenzie, Maclaurin, and many other authors of eminence. There had been a deviation at the union from the former practice, which had vitiated and strained the proceedings of their criminal judicature, and if he could take the wide range of the ancient laws of Scotland and the present, the ancient practice and the present, he should be able to show their lordships, that the people could not feel any great attachment to a system, under which there had been constant and well-founded complaints. The noble lord went into a short detail of the ancient practice in criminal trials in Scotland, by which he showed that none of the powers now exercised by the lord advocate existed in the ancient practice. The power of informations did not exist, and the precognition, which is now taken *ex parte*, used to be taken in the presence of the parties. The lord advocates, at the union, or soon after, assumed all the power exercised by the privy council, and many powers which they did not possess: formerly prosecutions originated from the private party; now they must originate with the lord advocate: formerly a presentment of offences was made by the justices at the quarter sessions; now there were no such presentments, and it lay entirely at the discretion of the lord advocate to take up cases or not. A new practice had obtained which could not be found in any of the books, and which was founded upon no statute or law that he knew of. A paper of instructions was circulated to the sheriff's offices, and that from an office unknown to any ancient writer on the law, the office of the solicitor to the crown, and these instructions did not go upon the acts of queen Anne, but on the authority of another officer equally unknown, the procurator fiscal. In short, the whole practice of the law of Scotland, in regard to criminal procedure, had undergone a most material change since the union; not for the better, by assimilating it with the law of England, but by which more unlimited powers were given to the advocate of the crown; the whole power of

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originating prosecutions taken out of the hands of the individuals the best calculated to know the necessities, the manners and the habits of the people; and such arbitrary alterations made in all the forms of proceeding, as to make it in almost every thing unlike the ancient practice. How, then, could they be prejudiced in its favour; or how could it be said that it had existed for so many ages, to the welfare and prosperity of the country? In truth, the question which he was now to agitate, affected England as well as Scotland; for declarations had been made by men in high power, in favour of the benign system of Scotland, and on the propriety of introducing it into England. The benignity of this sentiment would be manifest to every noble lord who would take the trouble of inquiring into the criminal jurisprudence of Scotland.

It was his intention to move for the production of papers to support the objections which he had to make against the late proceedings in the cases of Mr. Muir and Mr. Palmer. He confined himself to their cases on account of certain peculiarities which he should by-and-by state. He then proposed to move an address to the crown, in favour of those unfortunate persons, whose cases he thought not merely most severe, as to their personal suffering, but most injurious to the country at large. It was not his design to criminate either the judges or ministers: he was anxious only to induce their lordships to redress grievances arising from error, and to extend justice to those unfortunate persons. In arguing the question, he was not embarassed by the want of materials: but on the contrary, he was oppressed by the quantity of matter; the extent and complication of which called upon him to arrange and simplify the subject, and to elect only the prominent points. The propositions which he meant to maintain were, 1. That the crimes set forth against Mr. Muir and Mr. Palmer, were what the law of Scotland termed leasing-making, *i. e.* uttering words or publishing matter tending to breed discord between the king and his people, and that those indictments charged no other crime whatever. 2. That the punishment of transportation could not, by the law of Scotland, be inflicted for the said crime of leasing-making. There were also three special points in the case of Mr. Muir, on which he should animadvert. The first was his challenge of, and objection to, the jurors, being over-ruled; 2nd, the admission of evidence to prove criminal matter not libelled; and, 3rd, the depriving him of the testimony of William Russel. Without going into a minute detail of the law of Scotland, he could show, from the books of the *Regiam Majestatem*, down to the latest authority, that there was no such thing as sedition constituting a distinct aud separate offence, except the *seditio regni*, which was treason; every other sort of sedition was simple convocation, or leasing-making. From an inspection of the criminal letters it could be nothing but leasing-making; and to prove this, he referred to the trials of Muir and Palmer, and read the precise words of the major and minor propositions. No such thing as sedition was charged in the major proposition of either of their indictments; whereas, in Margarot's indictment, it was so charged. Now, to say that there was such a latitude in the Scots practice, as that the indictments could all infer the same crime, though sedition was set forth in some and not in others, was a monstrous proposition, and by no means warranted by practice. In the famous plea of sir George Lockhart for the earl of Argyle, he said, "It is alleged in the general, that all criminal libels whereupon any person's life, estate, and reputation can be drawn in question, should be founded upon clear, positive, and express acts of parliament, and the matter of fact which is libelled to be the contravention of those laws, should be plain, clear, and direct contraventions of the same, and not argued by way of implications and inferences." It was uniformly the practice to state precisely the crime in the major proposition; and, as sedition was not stated in that proposition against Muir and Palmer, the crime could be nothing but that of leasing-making. If so, he must come to his next proposition, that transportation could not be inflicted as the proper punishment under the law of Scotland. The act of 1703 repealed all the former acts for the punishment of this crime, and restricted it to an arbitrary punishment, a fine, imprisonment, or banishment. He gave the history of the act, that its meaning might be thoroughly understood, and stated that towards the end of the last century, when the oppressions that had been practised naturally aroused the indignation of the people, the claim of right passed, as a remedy in their imaginations for the evil. In 1701, however, several op-

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pressive trials having taken place, it was thought proper to give a farther security to the people for their rights, and the act immediately preceding that of 1703, showed the sense and temper of the parliament on the subject. It clearly proved the act of 1703 to be a law of mitigation, and as such it certainly ought to be interpreted; not merely because it was a penal law, but because it was the express purpose of the act to mitigate the former penalties. In truth, banishment in that act never could mean transportation, either from the meaning of the word in common language, or from the legal import of it in the law of Scotland. Transportation supposed that the court had authority over the place to which they transported. But as Scotland never had colonies till the beginning of the present century, they could not exercise transportation. This is the opinion of sir George Mackenzie, and it was rendered more clear by the case of Kennedy before the sheriff, where the lords reversed the judgment of transportation, because it was out of his jurisdiction, but affirmed the banishment. This was rendered still more clear by the language of the Scots statutes. The act of 1609 makes a clear distinction between banishment and transportation, and enacts them both in different parts of the same clause, to different degrees of guilt. The act of 1703, which repealed the act of 1609, enacted only the banishment, and left out the transportation. That the Scots law clearly understood the difference, was manifest in all their acts. In 1577, there was an act against the transportation of horses, and there was no illustration of the difference by the act of Charles 2nd, in 1670. The distinction was made still more clear by the words in the sentence of the court in the case of Haggart against Hogg, which was banishment, with certification that if he returned he should be transported. The same sentence was passed on Elizabeth Key for child-murder in 1699; and it was equally clear from an examination of the cases in which transportation had been inflicted since the union. It was uniformly as a mitigation, and was applied only to three sorts of cases: 1. To capital cases where the punishment had been antecedently restricted; 2. To capital cases where the court inflicted a milder sentence; and 3. Where capital punishments had been inflicted. There was only a single exception of a mobbing case in 1771, and this did not at all apply to the question. It was still made more clear by an examination of the cases of leasing-making since 1703. Mr. James Dundas was tried for leasing-making in 1712;* and the case was certainly a most seditious one; inasmuch as he had tried to prevail on the faculty of advocates to accept of medals from the Pretender, striving thereby to encourage them to countenance his attempt to overthrow the constitution and government of the kingdom. The crime was certainly most heinous, yet it was laid as mere leasing-making on the act of 1703, and restricted to the mild punishment of that statute. The prosecutions of 1714 and 1715, were of the same kind; and sir David Dalrymple, in his plea upon the occasion, stated, that "the laws against leasing-making were anciently odious; but since the happy revolution, that crime, among many others, had been removed; what was useful in the acts against leasing-making was preserved, the bitterness of the punishment was restrained, and so the odiousness of the law was taken off." Here then, but a few years after the act was passed, was this interpretation solemnly put upon it. In a time so alarming as the years 1714 and 1715, when a rebellion was raging in the country, and armies were embodied and in the field to pull down the present family, and to re-establish arbitrary power, men who were tried for abetting this crime, were tried for leasing-making, and sentenced only to a small fine and short imprisonment. It was needless to detain the House by arguing the 6th and 25th of the present king, as they only empower the punishment of transportation to the Scots judges in the cases where it existed before. Nor could the sentence passed upon these unfortunate persons be justified by the act of 1703, even if transportation could be inferred from the word banishment. That act completely abolished the punishment of death applied to the crime; and yet the circumstance of their being liable to death, on the event of their return from transportation, makes it possible to extend this punishment of death to the crime of leasing-making—an express contradiction of the statute. The arguments drawn from the act of 1696, and the arguments so much relied on of Baillie, it would be material for their lordships to

* See Howell's State Trials, Vol. 15. p. 715.

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attend to. The act of 1696 against fraudulent bankrupts, had words very different from the act of 1703. It gave the judges the power of inflicting "banishment or otherwise, death excepted." Under these extensive words, which were not in the act of 1703, they might claim the power of transportation; and yet no decision took place on the act till 1747. The case of Baillie in 1704, which had been brought forward in justification of the late proceedings, was truly curious. That horrid court, the privy council of Scotland, the jurisdiction of which could not be declined without incurring high treason, by the act of James 6th, was most ingeniously brought forward to justify the procedure of the court of justiciary. Last year, a learned lord in that House had said, "What! would you attempt to draw any argument from the practice of the iniquitous privy council, the worse than star-chamber of Scotland?" He had no doubt but that learned lord would still hold the same language with respect to this case. But what was the case? Baillie was the agent of the marquis of Tweedale's party against the party of the marquis of Annandale. In the rage of faction, he was before this horrid tribunal, where the lord advocate was both accuser and judge, and there, as might be expected from such a court, he was sentenced to pillory, transportation, &c. But what was the consequence? The day after the sentence so monstrously iniquitous, did it not appear that he was advised to petition the parliament against it? But the session concluded so immediately afterwards as to make it impossible then to present it. But on the meeting of the next session, the petition was presented to the House, and on the 21st day of the session an act of liberation passed in his favour. Such was the case which the industry of the Crown lawyers of Scotland had brought in justification of their conduct. As they had brought it forward, he demanded the benefit of it. The petition for Baillie stated the hardships of the case from his long imprisonment. But what was his suffering in comparison of the unfortunate gentlemen in favour of whom he desired to move their lordships? They were confined in the cell of a narrow and confined ship, moist and damp, with twenty-four convicts of the most atrocious kind, and so severe was their suffering, that one of them was even now nearly reduced to his last. He desired, then, that their lordships should do now what was done in the very case brought to justify the proceeding; that they should pass an act of liberation.—The noble earl said, that he might rest his case here, satisfied that there was no crime known to the law of Scotland but leasing-making; that transportation could not be inflicted for it; that all the defences set up for the late proceedings had crumbled down before inquiry; but it was necessary to observe, that if the sentence had gone beyond what the law authorizes, the execution of it had gone beyond the ideas even of those who inflicted it. A circumstance had come out which it behoved their lordships to consider. The lord justice Clerk had said, that in sentencing these persons to be transported to Botany Bay, it was not in contemplation that they should be confined to that place or that they should be prevented from going to any other, provided they did not return here; or that they should be kept in servitude, and subjected to control. Such was the idea of the court that inflicted the sentence, and certainly when a court had the power of an arbitrary sentence, their definition of it ought to be most strictly conformed to. Now, in the instructions of governor Philips to Mr. King, commandant of Norfolk island, were the following words: "The convicts being the servants of the crown for the time for which they are sentenced, their labour is to be for the public. You are not to permit any intercourse or trade with any ships or vessels that may stop at the island, whether English or of any other nation, unless such ships should be in distress." Here, then, it appeared, that a sentence was to be executed which was not inflicted, and not in the ideas of the judges. They might be made the slaves of malefactors, who had or had not served out their times, obliged to perform a daily task, and reduced of course to a situation the most horrid that human nature could experience. If governor Philips were by accident to meet with the lord justice Clerk, and to be inquisitive upon the nature of the sentence, he would be told that he must not confine them to the island if they chose to go away, or employ them in any toil. Undoubtedly, every new week he would hear from the advocates for these sentences different accounts of their nature, and would go away perplexed as to the course which he must take concerning them.

The noble earl said, he must still de-

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tain their lordships with referring to the three particular points in Muir's case, upon which, in his mind, an address to the throne was indispensably demanded: and, first, of the objection made by him to his jurors, he stated the history of the society at Goldsmiths-hall in Edinburgh, and their proceedings against Mr. Muir previous to the trial. He argued, that having pronounced upon him so marked a judgment previous to the trial, Mr. Muir's challenge of them as jurors ought to have been admitted. He argued this from the analogy of the law of England, as shown in Hawkins' Pleas of the Crown, in Blackstone, &c. and it was still more strongly conformable to the ancient practice of the Scots law, as had been shown in the case of the trial of the earl of Balmerino: "He objected to the earl of Dumfries, because he had been solicited and dealt with by prayer, to find the panel guilty of the dittay; which being referred to the said earl his oath, he denied any such matter, that he either gave out speeches of the panel's guiltiness, or that he was solicited or dealt with by prayer or otherwise. The justice admits him in respect of his declaration. It is alleged against my lord Blantyre, that he cannot be upon his assize, because he has publicly reported to sundry, that the panel, to his judgment, is guilty of the dittay, and cannot be cleared thereof, which they refer to his lordship's oath: who being sworn, declared, that he could not deny that he had spoken such speeches; whereupon he was repelled, and ordered to stand aside." Here was a case perfectly in point; for the gentlemen of Goldsmiths-hall had pronounced a judgment against Mr. Muir. Some of them, too, were in the king's service; and one of themselves thought this a proper objection; and so it was by the ancient law of Scotland; for by an act of Robert 1st, it is said, that "nae man wearing the king's claiese or liverie, shall sit on the assize;" and sir George Mackenzie says, that out of the forty-five jurors, the defendant by the ancient practice could make a peremptory challenge to thirty of them.—The noble earl then came to the second point, that proof had been brought of criminal matter not in the libel; and he argued this as a fatal objection, particularly in a Scots trial, where the defendant was bound to give in a list of his witnesses beforehand; and was thus to be taken unawares, without limitation as to the period of time, and without being able to provide for his defence. The third point was equally material.—To withhold from Mr. Muir the benefit of the evidence of Russel, on the score of prevarication, was inconsistent with all fair proceeding, and with all rules of evidence. Prevarication might destroy the credibility of a witness, but it could not make him incompetent. The distinction was so clearly understood in the English practice, between credibility and competency, that there never was a moment's hesitation on the subject; and he instanced the very memorable and recent case in the trial of John Innes, where a witness, of the name of Wood, had acknowledged that he was guilty of perjury, and had called himself Borthwick; yet he underwent a long examination respecting the facts of the case; and it was not until the jury had returned their verdict, that he was committed for perjury. It was also well understood in the Scots practice; for at the circuit court at Dumfries, before lord Coalston, an objection was made to the evidence of James Rae, a witness for the king, that he ought not to be examined, because he had, upon different occasions, been accused of perjury; but the judge said, this was not a reason for him to withhold his evidence from the jury; it might be a reason for them not to believe it. And it was the general sentiment that they were always to favour and lean to that which could operate for the defendant in a criminal trial. Whether the Scots judges, in the late proceedings, had felt and acted upon this sentiment, the treatment of the poor man who hesitated at taking an oath in a particular way, the treatment of Russel, and the welcome given to Ann Fisher's evidence, together with the whole train of their conduct on the occasion, would determine.

There was but one more proposition, which, if it was well founded, as he believed and contended it was, would completely demolish the whole of these sentences. It was, that the court of justiciary were incompetent to carry on the trials without a warrant from the crown for the specific purpose. Before the Union it was manifestly necessary that such a warrant should issue, and there was not a case since the Union, where it had not issued. On the trial of Mr. James Dun-

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das in 1722 it was produced, and so it was on the trials of Graham, Crawford, Hogg, Oliphant, Watson, &c. tried in 1714 and 1715. If this then was true, what was altogether the case of Messrs. Muir and Palmer? That they were tried by a court not competent for the purpose, by jurors to whom there were lawful objections, upon charges not specified according to law, where evidence was admitted of facts not in those charges, where witnesses not n competent were rejected, condemned o a sentence inapplicable to those charges, and that sentence executed in a way inconsistent with the ideas of the court.—The noble earl concluded with an eloquent appeal to their lordships on the propriety of discretion vested in judges. Whenever it was so entrusted, it was a sort of legislative power, and ought of course to be exercised with the utmost delicacy. A man acting upon that power, painful and afflicting as it must be to himself, would naturally look at all the precedents by which his discretion might be guided, and to all the collateral circumstances from which he might collect a rule of government. Had the Scots judges turned to the cases in 1715, when a rebellion was raging in the country, they would have found, at a time infinitely more perilous to the government than the present, similar, or rather infinitely more glaring offences had been punished with a very short imprisonment, and a small fine. Had they looked to the conduct of England, they would have found that the publishers of Paine's book, which Muir had only lent, were sentenced to pay a fine of 100*l.*, and that in Ireland, Hamilton Rowan, the author of the letter which Muir only read, was sentenced to two years imprisonment.* Had they looked to the habits, the temper, and the manners of the kingdom, they would hardly have inflicted a punishment so disproportioned to the punishments for the same offence in the neighbouring countries; and which consequently must make all mankind view them as objects of pity rather than of guilt. In two countries united together by the same interests, incorporated under the same head, the administration of the laws ought to have a reference to the system of both. If a system of criminal jurisprudence, severe and ferocious, existed in the one country, and a system of mildness existed in the other, what must be the consequences? Discontent must be engendered in the country in which severe punishments are inflicted; and in the other, so far from viewing the person as an object of guilt, he would be cherished as worthy of their applause. Nor was this all: the public mind takes the impression of ferocity from the ferocity of its government. As fluids partake of the materials that surround them, so the passions of men take their quality from the temper and character of the government. France was a melancholy example of this eternal truth: the horrid punishments, the cruel mockery of all justice, which, under the old government, had so long afflicted that people, had accustomed them to ferocity and horror, and at this day the effects of that system was visible in the savage cruelties which ravaged the Republic. It was of consequence to their lordships to think whether they were to countenance acts of severity that might engender sentiments of the same kind. The mild system of England contributed more than any thing else to that humanity which was the brightest feature in the character of Englishmen. It was not by the severity of punishments that example was given, so much as by the certainty; and a noble lord, whom he had the honour to see in his place, had given his ideas on the pernicious effects of the severity of punishments, that it was impossible for him to express his own ideas in words so applicable. He read the following passage from lord Auckland's Treatise on the Principles of Penal Law, 3d edit. p. 12, 13. "When the rights of human nature are not respected, those of the citizen are gradually disregarded. Those eras are in history found fatal to liberty, in which cruel punishments predominate. Lenity should be the guardian of moderate governments: severe penalties, the instruments of despotism, may give a sudden check to temporary evils, but they have a tendency to extend themselves to every class of crimes, and their frequency hardens the sentiments of the people. 'Une loi rigoureuse produit des crimes.' The excess of the penalty flatters the imagination with the hope of impunity, and thus becomes an advocate with the offenders for the perpetrating of the offence. The convicts who have stolen cloth from the tenters, fustian from the bleaching-ground, or a lamb from the landlord's pasture, know

* See Howell's State Trials. Vol. 22, p. 1033.

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the law to have assigned death, without benefit of clergy, to each of their offences, but, in the depth of ignorance and profligacy, mere instinct informed them, that common humanity would recoil at the idea, and they relied for their security on the ingenuity of mercy to evade the law. Legislators should then remember that the acerbity of justice deadens its execution; and that the increase of human corruptions proceeds, not from the moderation of punishments, but from the impunity of criminals. In the promulgation of every new offence, let the lawgiver expose himself to feel what wretches feel; and let him not seem to bear hardest on those crimes which, in his elevated situation, he is least likely to commit."—The noble earl concluded with warmly recommending to their lordships the contemplation of a sentiment so essential to the happiness of the two countries. It was not for the one more than for the other, that he, that night, so urgently pressed the consideration of this topic: it was not for the relief of the unfortunate persons themselves alone, but for the whole community, for the order and peace of society, for the efficacy of good laws, and the obedience of a satisfied people, that he argued. Every consideration dear to them as Britons and as legislators, ought to urge them to interpose in time, and prevent the influence of the error in judicial administration, which, in his conscience, he thought had been committed by these proceedings. He then moved, as a preliminary to his address, "for the production of the papers respecting the Trial and Sentence of Mr. Muir and Mr. Palmer, and any minutes that might have been made in regard to the challenge of jurors, the exhibition of evidence," &c.

The Earl of *Mansfield* began by saying that so severe an attack having been made upon that court to which he had the honour to belong, he was sure their lordships would indulge him in a reply, even at that late hour. "I cannot," added he, "defend my colleagues in office with their ability, but I will defend them with the same temper, calmness, and moderation, with which they would defend themselves, if they were here before you. Conscious of their integrity, conscious of the rectitude of their conduct, to all the powers of eloquence, to all the vehemence of declamation, to all the arrows of invective, they would be contented to oppose the broad, the seven-fold shield of justice, reason, and truth. Tempting as it is to follow the noble lord through the wide range he has taken, I will resist that temptation, and confine myself closely to the question. I must entreat your lordships to keep in constant remembrance, that, as you have no right of revision, you must take the verdict to be perfectly correct. You must consider Mr. Muir as convicted of all the crimes libelled; since, of those crimes the jury have found him guilty. You must hold the proof to have been sufficient; since it was satisfactory to the jury who tried the cause. The only question, therefore, that does or can arise, is simply this: was the punishment inflicted upon those crimes, such as is warranted by the usage and principles of the law of Scotland? Or, in other words, did the judges, in the sentence which they passed, exceed the bounds of the legal discretion vested in them by the wisdom of the constitution? I shall begin by showing, that if Mr. Muir had been indicted for leasing-making, had he been tried under the act of 1703, which he certainly was not, yet the fair interpretation of that very statute, so much relied on for a different purpose, would have fully warranted the sentence of banishment by transportation. It is attempted to take some advantage of the very limited sense usually affixed to the word banishment in this country; but the true question is, what sense it bears in the law of Scotland. I contend that, in that law, banishment has the same large, extended meaning, that *exilium* had in the Roman law, which is not only mixed and mingled with the law of Scotland, but is, by express statute, declared to be the common law of the land. The noble lord has stated, very accurately, the different sorts of banishment known to the Romans, but he has omitted to mention that the word *exilium* applies equally to them all. It could originally mean only the *interdictio aquæ et ignis*, the only sort of banishment known in the time of the republic; but the Romans, although they did, I believe, understand the philosophy of genus and species as well as we do, saw no absurdity in applying the word *exilium* to the much severer punishment, the *deportatio ad insulam*, introduced in the reign of Augustus. Of this I will give irrefragable proof, by reading a short passage from the Digest Book, xlviii. title 22. "Exilium simplex est, aut certorum ocorum interdictio, aut lata fuga, ut omnium

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locorum præter certum locum, aut insulæ vinculum, id est, relegatio in insulam."—To show the large sense in which the word banishment is understood in the law of Scotland, I will adduce the authority of sir G. Mackenzie. Speaking of that crime which was by the Romans called *ambitus*, he says the punishment of it was *deportatio*, which was much like our banishment. Your lordships see at once, that it is only to transportation that the *deportatio ad insulam* bears any similitude. It is impossible to deny, that transportation was a punishment known in sir G. Mackenzie's time, as, in his Vindication of the reign of Charles 2nd, he expressly justifies the sending to the plantations those men who were taken at Bothwell-bridge; and says, it was not cruelty, but lenity, as it was commuting a capital banishment into exile; exile is the very word he uses. What clearly shows the sense in which the courts of Scotland understood the word banishment, is, that in the sentences which they pronounce, the word "banish" is generally used in the sentence, where the punishment is transportation. I may safely concede to the noble lord any interpretation he chooses to put upon the act of 1703, as it will not affect the question in the smallest degree. Muir was not tried for leasing-making, as the indictment clearly shows; compare the indictment with that in the case alluded to in 1712, and mark the difference. The indictment in 1712 has, in almost every sentence a reference to the act of 1703, and to the previous acts therein recited. There is not the least mention of them in the indictment of Mr. Muir. The noble lord has argued, as if Muir had been found guilty of only one offence. What say the jury? They find him guilty of the crimes libelled; that is, of all the crimes, though his principal offence was real active sedition, that species of sedition which consists in exciting the people against the established constitution; that species of sedition which, in the *Regiam Majestatem*, is called *seditio regni*; and which Skeene, in his translation, calls sedition against the realm. This *seditio regni* is by sir G. Mackenzie, who ranks a leasing-making among verbal injuries, made a distinct head of offence. He calls it a commotion of the people, assembled without lawful authority, and which has for one of its objects, *mutationem reipublicæ*. He calls it a commotion, but it will surely not be maintained that actual commotion is of the essence of this crime. Your lordships all know, that the mode of perpetrating crimes varies according to the temper, the manners, and the complexion of the age. Thus, to take a memorable instance, that occurs to me in the history of France, in the time of Katherine of Medicis, poisoning was much more frequent than open assassination. The mode of perpetrating the crime was different, the guilt the same. I will not trouble your lordships with the application; it is easy and obvious. Mr. Erskine, one of the latest and best writers upon the law of Scotland, says expressly, 'Real sedition is inferred from an irregular convocation of a number of people without lawful authority, tending to obstruct or trouble the peace of the community.' This sedition was high treason by the law of Scotland, and, without the act of the 7th of queen Anne, would be so at this day. From the passing of that act it ceased to be treason; but did it, therefore, cease to be a heinous crime? The noble lord seemed to hint an opinion to that effect; he insinuated, that real sedition being no longer treason, the offence is done away: that was his expression, but he surely will not seriously maintain such an opinion. Where the legislature upon grounds of policy, makes that criminal which is not *malum in se*—this applies to many of our revenue laws—the moment the statute is repealed which made the offence, the guilt ceases. The crime, which is the creature of the law, dies with it; but not so with those acts which are criminal in the nature of things; which strike at the root of society, and must in every civilized country be crimes either under positive enactment, or at common consuetudinary law. Muir's sedition, being no longer a capital offence, falls into the very numerous class of offences at common law which are subject to what is called arbitrary punishment. I hope the delicacy of your lordships ears will not be offended by the harsh sound of the word 'arbitrary.' You would use the softer word discretionary; but you will remember, that much of the legal phraseology of Scotland is borrowed from the Roman law: 'Pœnas arbitrarias vocant, quæ non certâ lege definiuntur, sed arbitrio judicis relictæ sunt.'—There is one ground here of distinction that pervades the whole criminal law of Scotland, which I shall endeavour to state in the very words of one of the earliest writers upon the subject. In his

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short chapter upon the division of crimes, he says, 'Crimes are punished by a lawful pain specially set down and prescribed by the law, or the pain thereof is arbitrary.' I can safely venture to affirm, that the crimes of the last description, viz. those left to arbitrary punishment, are much more numerous than those to which a special pain is affixed by positive law. To conclude the argument, it is necessary to show, that transportation is an arbitrary punishment well known and long established in the criminal law of Scotland. It is expressly recognised, *eo nomine*, as a legal punishment in the famous act of 1701, which is the Habeas Corpus of Scotland, the great bulwark and guardian of our personal liberties. I will here fairly confess an apprehension I entertain upon this part of the subject. I know that your lordships are sensible that the law of Scotland forms the only rule by which this question can be tried; but I know also, that it is difficult even for your wisdom to abstract entirely from your knowledge of the law and practice of your own country. In England, I believe, sentence of transportation is never passed but as a mitigation of punishment for a capital offence, or under the sanction of particular statute. Not so in the law of Scotland. I will read to your lordships various sentences of the court of session inflicting the punishment of transportation for no capital offence, and under the sanction of no positive law." His lordship then read from the acts of Sederunt, published by Tait, several sentences by the court of session, of transportation for fraudulent bankruptcies, for erasing an interlocutory, for perjury, and subornation of perjury, which, he observed, were not subjected to transportation by statute; as the act of George 2d, inflicting transportation on perjury, and subornation of perjury, does not extend to Scotland.—"The noble lord," continued he, "in order to elude the pressure of these precedents, has endeavoured to establish a distinction between the court of session and the court of justiciary, and to maintain, that the court of session might, perhaps, in virtue of their *nobile officium*, be authorized to inflict severer punishment. Though I am far from admitting this doctrine, I will wave the discussion for a reason which your lordships will instantly perceive. I hold in my hand an extract from the records of the court of justiciary: out of many instances of transportation sent me by the gentleman who made the rescant, I have selected those which appear to me to be directly in point." His lordship then read eleven or twelve sentences of transportation passed by the court of justiciary for battery, for mobbing at elections, and for swindling. "These, my lords," said the earl, "are recent instances, and directly applicable, as I conceive. I hope it will not be contended, that the offences of which Muir was found guilty are less heinous offences than battery, than swindling, and mobbing at an election. The result of the whole, then, is simply this; upon offences of a heinous nature, and which would formerly have amounted to treason, the court of justiciary, according to the established law of Scotland, have inflicted the severest arbitrary punishment, thinking it the only punishment adequate to such crimes. Heavy fines are not usual in Scotland, and the severest fine would have been only a tax upon Mr. Muir's friends and adherents, by whom it would have been immediately paid. Long imprisonment is unusual, close imprisonment unknown; so that the sending them to prison would have been opening a shop, or warehouse for sedition. Banishment to England would have been preposterous; it would have been, not punishment, but reward. Besides, my lords, continued the earl, do we seriously mean to say, that we wish the judges of Scotland to reason and act with respect to England in this manner; 'We will take care of our own part of the United Kingdom, but we are indifferent to the fate of yours; we will free ourselves from the contagion, but we will send the pestilence to you!' If I have been at all successful in showing that the sentence passed is warranted by the practice and principles of the law of Scotland, the whole question is at an end. As your lordships have no right of revision, if the discretion exercised was legal, you are bound to presume it wise.—Having said thus much, may I not be permitted, before I sit down, to lament at least the treatment which the judges of Scotland have received? Your lordships all feel, the noble lord has himself admitted, that it is of the greatest national importance to maintain inviolate the public reverence for the courts of law. The wisdom, the purity, the firmness, and rectitude of our tribunals, have long been the pride, the glory, the happiness of

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this country; the admiration and envy of every other. Of this pride, of this glory, of this happiness, I say it confidently, Scotland has her full share. Speaking of my colleagues in office, I am warranted in saying, that at no period of time was the court of justiciary better composed. I have not the pleasure of personal acquaintance with the lord justice Clerk, but I have long heard the loud voice of fame, that speaks of him as a man of pure and spotless integrity, of great talents, and of a transcendent knowledge of the laws of his country. His associates are men of equal integrity, and of very distinguished merit. They have acted upon this occasion in a manner worthy of themselves, worthy of their characters, worthy of the rank they hold in the general estimation of mankind: with manly firmness they have discharged a painful but necessary duty. They were well aware, from the temper of the audience at the time, that they should be exposed to popular clamour, and its constant attendant, popular obloquy; but they felt that within them, which would not suffer them, from any consideration, to deviate a hair's breadth from the line of conduct their duty had drawn. They felt that their characters and the whole tenor of their public lives, gave every one of them a right to say, what was said by a great magistrate of old, and repeated in our day,* on an occasion not dissimilar to the present. 'Ego hoc animo semper fui, ut invidiam virtute partem gloriam non invidiam putarem.' They knew that there are times and circumstances in which popular obloquy is the height of praise; they knew that he who suffers the firmness of his mind to be shaken by popular breath: he who will let his public conduct be influenced by any personal regards, can never fill the seat of judicature as he ought, can never discharge her great and awful functions with honour to himself, or advantage to the public."

The Earl of *Kinnoul* regretted that this subject had been so much agitated; but since it had been, it was highly important that both Houses should give their decided opinion upon it, in order to set it entirely at rest. His lordship defended the proceedings of the Scotch judges, who, in his opinion, merited the encomium bestowed upon them by his noble friend.

The *Lord Chancellor* said, that the noble earl in the green ribband had stated the general principles of the law of Scotland so well, that he had nothing to add upon it. He then proceeded to notice some of the objections which the noble mover had made to the trial of Mr. Muir. It had been objected, that the jury who tried the cause, had made a declaration to support the constitution, and to defend it against its opponents—he meant the declaration of the Goldsmiths-hall Association. That declaration was a perfectly right one, for it went no farther than every honest man would wish to go, namely, to state an abhorrence of seditious practices. If the ground of this objection was to be held a solid one, there could not be a jury of honest men in the kingdom fit for the trial; for it might be proved, that any honest man who might be named for a jury, had either entered into an association as a member to oppose, or expressed his disapprobation of, sedition. Upon such a challenge, we might proceed to reject all the authority of the law itself, as a rule of action for men in a social state, and to the character of all judges, the expounders of that law; this would at once put an end to all law, and silence the opinion of all lawyers upon a question of sedition. As well might it be said that all those who, many years ago entered into a determination to oppose, and expressed their detestation of an offence, that at that time had grown into use, such as knocking a man down and afterwards robbing him, were disqualified to form a jury to try any person who had been guilty of that offence: but he trusted that Englishmen had not yet arrived at that degree of refinement in their ideas of the administration of justice. With regard to the conduct of the court on the evidence of Ann Fisher, he believed no lawyer could blame the court upon that subject. It was stated, too, that a witness had been committed for prevarication, and afterwards rejected by the court improperly. In the first place, that witness was not committed for prevaricating in his answers; he was committed for refusing to answer a question, when it was evident that he must have been able to answer. The questions put to him were plain and simple, and related to a conversation which had taken place only three days before his examination. He said he could not tell when; the truth was, he would not tell. And here

* By the late earl of Mansfield.

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he could not help taking notice of the general observations of the noble mover, who said that the rules of the admissibility of evidence were general; now from this he dissented: the rules were not general; they were not the same in England as they were in Scotland. In England, the court judged of his competency or admissibility only, and left his credibility to the jury. In Scotland it was otherwise; for there the court had power to determine whether he should be examined or not; and he was sure that, generally speaking, no defendant had any reason to complain of this rule. In nine cases out of ten it must operate in favour of the defendant. But here the noble earl, if he had given himself the trouble to be well informed upon the subject, must have known how vague all general reasoning must be upon this subject, because the thing itself was not governed by general rules, but by the particular practice of the law of particular countries. So different, for instance, was the law of England from the law of Scotland, in saying what sort of person should not be examined, that the law of the two countries had not the most remote resemblance. In England, in any parochial case, a parishioner could not be examined, nor could a corporator in a question belonging to the borough of which he was a member. The law of England said, he should not be examined, because it was possible he might be interested in the event: this rigour was found to be too inconvenient in some instances to admit of the due administration of justice, but it could not be abated but by a positive act of parliament, which was passed for that specific purpose. That was not at all the case of the law of Scotland, for by it the court were to use their discretion as to the admissibility of a witness.—Another objection had been made to the trial of Mr. Muir, as being an illegal trial; and the argument for the illegality was, that there had not been any warrant from the secretary of state, directed to the lord advocate of Scotland, for the apprehension of the defendant; and for this the noble earl quoted the case of Mr. James Dundas. It was true, that in that case, the lord advocate received a warrant from the secretary of state; but did it ever enter into the head of any laws man, in the least acquainted with the of this or of that country, that the warrant of the secretary of state was necessary to found the jurisdiction of the lord advocate to bring such a person to trial? His lordship then noticed the case of David Baillie: by this case it was evident that the judges who pronounced sentence upon him, thought that transportation was included in the word banishmment; and he believed it would not now be questioned whether those judges understood the law of Scotland at that day, and which had not been altered to the present hour.—But even if he agreed, for the sake of the argument, that the proceedings on this trial were unjust, illegal, and decided with a party spirit, how would the case then stand? It would then be ten times stronger for the argument in favour of his side of the question. The sentence on this person was not put in force, for he had a parliamentary pardon. But on what ground? The counsel for Mr. Baillie were acute men, and not likely to lose sight of any point that was in favour of their client. Did they insist that his banishment did not imply transportation? Nothing like it. They alleged, that in saying what he said he was bound to do so; and that if he had concealed what he had to say, he would have been guilty of misprision of treason; and it was under that idea the conviction was set aside. Not that if the conviction was right upon the fact, the judges were not right upon the law arising out of that fact, in pronouncing on him a sentence of banishment; and to carry that banishment into effect, they ordered him to be transported. His lordship then proceeded to show the difference between the law of England and the law of Scotland, with regard to crimes punishable as felonies, and those offences which in England are called misdemeanors. He instanced a case, where persons running away with a young lady, for the sake of obtaining her fortune, had been transported for it by the law of Scotland. In England, that would only have been a misdemeanor. The cases which established the distinctions in these points between the laws of the two countries were so numerous, that he wondered that any person pretending to know any thing of the law of either, should be ignorant of that distinction. He would go farther, for he was confident that the gentlemen whose trials this motion alluded to, might have been convicted on the act of 1703, if they had been indicted on it. He therefore found himself under the necessity of differing from the noble earl in almost all

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he said on the present subject, and of agreeing with the two noble earls who had opposed the motion.

Lord Lauderdale's motions were negatived without a division. The lord Chancellor then moved, "That there is no ground for interfering in the Practice of the established Courts of Criminal Justice, as administered under the constitution, and by which the rights, liberties, and properties of all ranks of subjects are protected;" which, after a short conversation, was agreed to.

*Report of the Committee of Managers on the Causes of the Duration of Mr. Hastings's Trial.**] March 5. Upon the motion of Mr. Burke, it was ordered, "That a Committee be appointed to inspect the Lords' Journals, in relation to their proceedings on the Trial of Warren Hastings, esq. to report what they find therein to the House; and that the committee of managers be the said committee."

March 17th. It was also ordered, on the motion of Mr. Burke, "that the said Committee do report to the House the several matters which have occurred since the commencement of the said prosecution, and which have, in their opinion, contributed to the duration thereof to the present time, with their observations thereupon."

April 17th. Mr. Burke presented the report of the committee to the House, by whom it was ordered to be printed for the use of the members. On the 29th, Mr. Burke, the chairman of the committee, informed the House, that it would be proper to make some alterations in the said report, and some additions thereto, in consequence of which, the order for printing the report was discharged. The question being then put, that the said report be re-committed, the House divided: Yeas, 52: Noes, 20.

April 30th. Mr. Burke informed the House, that the Committee had made some alterations in the said report and some additions thereto; and he read the report in his place; and afterwards delivered the same, together with an Appendix thereunto, in at the clerk's table; where the report was read, and is as followeth: viz.

REPORT from the Committee of the House of Commons appointed to inspect the Lords' Journals, in relation to their proceedings on the Trial of Warren Hastings, esq. and to report what they find therein to the House; which Committee were the managers appointed to make good the articles of Impeachment against the said Warren Hastings, esq and who were afterwards instructed to report the several matters which have occurred since the commencement of the said Prosecution, and which have, in their opinion, contributed to the duration thereof to the present time, with their observations thereupon.

Your committee has received two powers from the House—the first on the 5th of March, 1794, to inspect the Lords Journals, in relation to their proceedings on the trial of Warren Hastings, esq. and to report what they find therein to the House. The second is an instruction given on the 17th day of the same month of March, to this effect: That your committee do report to this House the several matters which have occurred since the commencement of the said prosecution, and which have, in their opinion, contributed to the duration thereof to the present time, with their observations thereupon. Your committee is sensible, that the duration, of the said trial, and the causes of that duration, as well as the matters which have therein occurred, do well merit the attentive consideration of this House; we have therefore endeavoured, with all diligence, to employ the powers that have been granted, and to execute the orders that have been given to us, and to report thereon as speedily as possible, and as fully as the time would admit.

Your committee has considered, first, the mere fact of the duration of the trial, which they find to have commenced on the 13th day of February 1788, and to have continued by various adjournments to the said 17th of March. During that period, the sittings of the court have occupied 118 days or about one-third of a year. The distribution of the sitting-days in each year is as follows:

In the year 1788, the court sat 35 days; 1789, 17; 1790, 14; 1791, 5; 1792, 22; 1793, 22; 1794, to the 1st of March, inclusive 3; —Total 118.

Your committee then proceeded to consider the causes of this duration with regard to time, as measured by the calendar, and also as measured by the number of days occupied in actual sitting. They find, on examining the duration of the trial, with reference to the number of years which it has lasted, that it has been owing to several prorogations, and to

* The above most able and most important Report was drawn up by Mr. Burke a few weeks previous to his retirement from parliament. In his Letter to a Noble Lord he says, "I ended my services by a recorded and fully reasoned assertion on their own Journals" [the Journals of the House of Commons] "of their constitutional rights, and a vindication of their constitutional conduct." Burke's Works, Vol. 8, p. 43.

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one dissolution of parliament; to discussions which are supposed to have arisen in the House of Peers on the legality of the continuance of impeachments from parliament to parliament; that it has been owing to the number and length of the adjournments of the court, particularly the adjournments on account of the circuit, which adjournments were interposed in the middle of the session, and the most proper time for business; that it has been owing to one adjournment made in consequence of a complaint of the prisoner against one of your managers, which took up a space of ten days; that two days adjournment were made on account of the illness of certain of the managers; and, as far as your committee can judge, two sitting-days were prevented by the sudden and unexpected dereliction of the defence of the prisoner at the close of the last session, your managers not having been then ready to produce their evidence in reply, nor to make their observations on the evidence produced by the prisoner's counsel, as they expected the whole to have been gone through before they were called on for their reply. In this session your committee computes that the trial was delayed about a week or ten days. The Lords waited for the recovery of the marquis Cornwallis, the prisoner wishing to avail himself of the testimony of that noble person. With regard to the 118 days employed in actual sitting, the distribution of the business was in the manner following: there were spent,

In reading the articles of impeachment and the defendant's answer, and in debate on the mode of proceeding, 3 days; opening speeches and summing up by the managers, 19; documentary and oral evidence by the managers, 51; opening speeches and summing-up by the defendant's counsel, and defendant's addresses to the court, 22; documentary and oral evidence on the part of the defendant, 23;—Total, 118.

The other head, namely, that the trial has occupied 118 days, or nearly one third of a year,—this your committee conceive to arise from the following immediate causes: First, the nature and extent of the matter to be tried. Secondly, the general nature and quality of the evidence produced. It was principally documentary evidence contained in papers of great length, the whole of which was often required to be read, when brought to prove a single short fact. Under the head of evidence must be taken into consideration the number and description of the witnesses examined and cross-examined. Thirdly, and principally, the duration of the trial is to be attributed to objections taken by the prisoner's counsel to the admissibility of several documents and persons offered as evidence on the part of the prosecution. These objections amounted to sixty-two: they gave rise to several debates, and to twelve references from the court to the judges. On the part of the managers the number of objections was small; the debates upon them were short: there was not upon them any reference to the judges; and the Lords did not even retire upon any of them to the chamber of parliament. This last cause of the number of sitting-days your committee considers as far more important than all the rest. The questions upon the admissibility of evidence; the manner in which these questions were stated and were decided; the modes of proceeding; the great uncertainty of the principle upon which evidence in that court is to be admitted or rejected; all these appear to your committee materially to affect the constitution of the House of Peers, as a court of judicature, as well as its powers, and the purposes it was intended to answer in the state. The Peers have a valuable interest in the conservation of their own lawful privileges, but this interest is not confined to the Lords. The Commons ought to partake in the advantage of the judicial rights and privileges of that high court. Courts are made for the suitors and not the suitors for the court. The conservation of all other parts of the law, the whole indeed of the rights and liberties of the subject, ultimately depends upon the preservation of the law of parliament in its original force and authority.

Your committee had reason to entertain apprehensions, that certain proceedings in this trial may possibly limit and weaken the means of carrying on any future impeachment of the Commons. As your committee felt these apprehensions strongly, they thought it their duty to begin with humbly submitting facts and observations on the proceedings concerning evidence, to the consideration of this House, before they proceed to state the other matters which come within the scope of the directions which they have received. To enable your committee the better to execute the task imposed upon them in carrying on the impeachment of this House, and to find some principle on which they were to order and regulate their conduct therein, they found it necessary to look attentively to the jurisdiction of the court in which they were to act for this House, and into its laws and rules of proceeding, as well as into the rights and powers of the House of Commons in their impeachments.

Relation of the Judges, &c. to the Court of Parliament.

Upon examining into the course of proceedings in the House of Lords,* and into the relation which exists between the Peers on the one hand, and their attendants and assistants, the judges of the realm, barons of the exchequer of the coif, the king's learned counsel, and the civilians masters of the chancery, on the other; it appears to your committee, that these judges, and other persons learned in the common and civil laws, are no integrant and necessary part of that court.

* 4 Inst. p. 4.

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Their writs of summons are essentially different; and it does not appear that they or any of them have, or of right ought to have, a deliberative voice, either actually or virtually, in the judgments given in the high court of parliament. Their attendance in that court is solely ministerial; and their answers to questions put to them, are not to be regarded as declaratory of the law of parliament, but are merely consultory responses, in order to furnish such matter (to be submitted to the judgment of the Peers) as may be useful in reasoning by analogy, so far as the nature of the rules in the respective courts of the learned persons consulted, shall appear to the House to be applicable to the nature and circumstances of the case before them, and no otherwise.

Jurisdiction of the Lords.

Your committee finds, that in all impeachments of the Commons of Great Britain for high crimes and misdemeanors, before the Peers in the high court of parliament, the Peers are not triers or jurors only, but by the ancient laws and constitution of this kingdom, known by constant usage, are judges both of law and fact; and we conceive that the Lords are bound not to act in such a manner as to give rise to an opinion that they have virtually submitted to a division of their legal powers; or that, putting themselves into the situation of mere triers or jurors, they may suffer the evidence in the cause to be produced or not produced before them, according to the discretion of the judges of the inferior courts.

Law of Parliament.

Your committee finds, that the Lords in matter of appeal or impeachment in parliament, are not of right obliged to proceed according to the course or rules of the Roman civil law, or by those of the law or usage of any of the inferior courts in Westminster-hall; but by the law and usage of parliament. And your committee finds, that this has been declared in the most clear and explicit manner by the House of Lords, in the year of our Lord 1387 and 1388, in the eleventh year of king Richard the Second.

Upon an appeal in parliament then depending against certain great persons, peers and commoners, the said appeal was referred to the justices and other learned persons of the law: "At which time" (it is said in the record*) "that the justices and serjeants, and others the learned in the law civil, were charged, by order of the king our sovereign aforesaid, to give their faithful counsel to the Lords of the parliament, concerning the due proceedings in the cause of the appeal aforesaid. The which justices, serjeants, and the learned in the law of the kingdom, and also the learned in the law civil, have taken the same into deliberation; and have answered to the said Lords of parliament, that they had seen and well considered the tenour of the said appeal; and they say, that the same appeal was neither made nor pleaded according to the order which the one law or the other requires. Upon which the said Lords of parliament have taken the same into deliberation and consultation, and by the assent of our said lord the king, and of their common agreement, it was declared, that in so high a crime as that which is charged in this appeal, which touches the person of our lord the king, and the state of the whole kingdom, perpetrated by persons who are peers of the kingdom, along with others, the cause shall not be tried in any other place but in parliament, nor by any other law than the law and course of parliament; and that it belongeth to the Lords of parliament, and to their franchise and liberty, by the ancient custom of the parliament, to be judges in such cases; and in these cases to judge by the assent of the king; and thus it shall be done in this case by the award of parliament: because the realm of England has not been heretofore, nor is it the intention of our said lord the king and the Lords of parliament, that it ever should be governed by the law civil: and also it is their resolution, not to rule or govern so high a cause as this appeal is, which cannot be tried any where but in parliament, as hath been said before, by the course, process, and order used in any courts or places inferior, in the same kingdom; which courts and places are not more than the executors of the ancient laws and customs of the kingdom, and of the ordinances and establishments of parliament. —It was determined by the said Lords of parliament, by the assent of our said lord the king, that this appeal was made and pleaded well and sufficiently, and that the process upon it is good and effectual, according to the law and course of parliament, and for such they decree and adjudge it."

And your committee finds, that toward the close of the same parliament, the same right was again claimed and admitted as the special privilege of the Peers, in the following manner:—"In this parliament, all the lords then present, spiritual as well as temporal, claimed as their franchise that the weighty matters moved in this parliament, and which shall be moved in other parliaments in future times, touching the Peers of the land, shall be managed, adjudged, and discussed by the course of parliament, and in no sort by the law civil, or by the common law of the land used in the other lower courts of the kingdom; which claim, liberty, and franchise, the king graciously allowed and granted to them in full parliament."*

Your committee finds, that the Commons, having at that time considered the appeal above-mentioned, approved the proceedings

* Rolls Parl. vol. 3, p. 236.

* Rol. Parl. vol. 3, p. 244, §. 7.

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in it; and, as far as in them lay, added the sanction of their accusation against the persons who were the objects of the appeal. They also, immediately afterwards, impeached all the judges of the Common pleas, the chief baron of the Exchequer, and other learned and eminent persons, both peers and commoners; upon the conclusion of which impeachment it was that the second claim was entered. In all the transactions aforesaid, the Commons were acting parties; yet neither then, nor ever since, have they made any objection or protestation that the rule laid down by the Lords, in the beginning of the session of 1383, ought not to be applied to the impeachments of commoners as well as peers. In many cases they have claimed the benefit of this rule; and in all cases they have acted and the peers have determined upon the same general principles. The Peers have always supported the same franchises; nor are there any precedents upon the records of parliament subverting either the general rule or the particular privilege, so far as the same relates either to the course of proceeding or to the rule of law, by which the Lords are to judge.

Your committee observes also, that in the commissions to the several lords high stewards who have been appointed on the trials of peers impeached by the Commons, the proceedings are directed to be had according to the law and custom of the kingdom, and the custom of parliament; which words are not to be found in the commissions for trying upon indictments.

"As every court of justice," says lord Coke,* "hath laws and customs for its direction, some by the common law, some by the civil and canon law, some by peculiar laws and customs, &c. So the high court of parliament, *suis propriis legibus et consuetudinibus subsistit*, it is by the *lex et consuetudo parliamenti* that all weighty matters in any parliament moved, concerning the Peers of the realm, or Commons in parliament assembled, ought to be determined, adjudged, and discussed by the course of the parliament, and not by the civil law, nor yet by the common laws of this realm used in more inferior courts."—And after founding himself on this very precedent of the 11th of Richard 2nd, he adds, "This is the reason that judges ought not to give any opinion of a matter of parliament, because it is not to be decided by the common laws, but *secundum legem et consuetudinem parliamenti*: and so the judges in divers parliaments have confessed."

Rule of Pleading.

Your committee do not find, that any rules of pleading, as observed in the inferior courts, have ever obtained in the proceedings of the high court of parliament, in a cause or matter in which the whole procedure has been within their original jurisdiction. Nor does your committee find, that any demurrer or exception, as of false or erroneous pleading, hath been ever admitted to any impeachment in parliament, as not coming within the form of the pleading; and although a reservation or protest is made by the defendant (matter of form, as we conceive) "to the generality, uncertainty, and insufficiency of the articles of impeachment;" yet no objections have, in fact, been ever made in any part of the record; and when verbally they have been made (until this trial) they have constantly been over-ruled.

The trial of lord Strafforde is one of the most important æras in the history of parliamentary judicature [16 Ch. 1, 1640]. In that trial, and in the dispositions made preparatory to it, the process on impeachments was, on great consideration, research, and selection of precedents, brought very nearly to the form which it retains at this day; and great and important parts of parliamentary law were then laid down. The Commons at that time made new charges, or amended the old, as they saw occasion. Upon an application from the Commons to the Lords, that the examinations taken by their lordships, at their request, might be delivered to them, for the purpose of a more exact specification of the charge they had made, on delivering the message of the Commons, Mr. Pim, amongst other things, said, as it is entered in the Lords' Journals [vol. 4, p. 133.] "According to the clause of reservation in the conclusion of their charge, they (the Commons) will add to the charges, not to the matter in respect of comprehension, extent, or kind, but only to reduce them to more particularities, that the earl of Strafforde might answer with the more clearness and expedition—not that they are bound by this way of *special* charge; and therefore they have taken care in their House, upon protestation, that this shall be no prejudice to bind them from proceeding in *general* and other cases, and that they are not to be ruled by proceedings in other courts, which protestation they have made for the preservation of the power of parliament; and they desire that the like care may be had in your lordships House." This protestation is entered on the Lords' Journals. Thus careful were the Commons that no exactness used by them for a temporary accommodation, should become an example derogatory to the larger rights of parliamentary process.

At length the question of their being obliged to conform to any of the rules below came to a formal judgment [Lords Journals, vol. 19, p. 98.] In the trial of Dr. Sacheverell, March 10th, 1709, the lord Nottingham "desired their lordships opinion, whether he might propose a question to the judges here [in Westminster-hall]. Thereupon the Lords being moved to adjourn, adjourned to the House of Lords, and on debate [as appears by a note] it was agreed, that the question should be proposed in Westminster-hall." Accordingly when the Lords returned the same day

* 4 Inst. p. 15.

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into the hall, the question was put by lord Nottingham, and stated to the judges by the lord chancellor. "Whether by the *law of England*, and constant practice in all prosecutions by *indictment and information*, for crimes and misdemeanors, by writing or speaking, the particular words supposed to be written or spoken must not be expressly specified in the indictment or information." On this question the judges, *seriatim*, and in open court, delivered their opinion: the substance of which was, "That by the laws of England, and the constant practice in Westminster-hall, the words ought to be expressly specified in the indictment or information."

Then the lords adjourned, and did not come into the hall until the 20th. In the intermediate time they came to resolutions on the matter of the question put to the judges. Dr. Sacheverell, being found guilty, moved in arrest of judgment upon two points:—The first, which he grounded on the opinion of the judges, and which your committee thinks most to the present purpose, was, "That no entire clause, or sentence, or expression, in either of his sermons or dedications, is particularly set forth in his impeachment, which he has already heard the judges declare to be necessary in all cases of indictments or informations." On this head of objection, the lord chancellor, on the 23d of March, agreeably to the resolutions of the Lords of the 14th and 16th of March, acquainted Dr. Sacheverell, that on occasion of the question before put to the judges in Westminster-hall, and their answer thereto, their lordships had fully debated and considered of that matter, and had come to the following resolution: "That this House will proceed to the determination of the impeachment of Dr. Henry Sacheverell, according to the *law of the land, and the law and usage of parliament*." And afterwards to this resolution: "That by the *law and usage of parliament* in prosecutions for high crimes and misdemeanors, by writing or speaking, the particular words, supposed to be criminal, are *not necessary* to be expressly specified in such impeachment. "So that, in their lordships opinion, the law and usage of the high court of parliament, being a part of the law of the land, and that usage not requiring that words should be exactly specified in impeachments, the answer of the judges, which related only to the course of indictments and informations, does not in the least affect your case."

On this solemn judgment concerning the law and usage of parliament, it is to be remarked; first, that the impeachment itself is not to be presumed inartificially drawn. It appears to have been the work of some of the greatest lawyers of the time, who were perfectly versed in the manner of pleading in the courts below; and would naturally have imitated their course, if they had not been justly fearful of setting an example, which might hereafter subject the plainness and simplicity of a parliamentary proceeding to the technical subtilties of the inferior courts: secondly that the question put to the judges, and their answer, were strictly confined to the law and practice below; and that nothing in either had a tendency to their delivering an opinion concerning parliament, its laws, its usages, its course of proceeding, or its powers: thirdly, that the motion in arrest of judgment, grounded on the opinion of the judges, was made only by Dr. Sacheverell himself, and not by his counsel, men of great skill and learning, who, if they thought the objections had any weight, would undoubtedly have made and argued them. Here, as in the case of the 11th of king Richard 2nd, the judges declared unanimously, that such an objection would be fatal to such a pleading in any indictment or information: but the Lords, as on the former occasion, overruled this objection, and held the article to be good and valid, notwithstanding the report of the judges concerning the mode of proceeding in the courts below.

Your committee finds, that a protest, with reasons at large, was entered by several lords against this determination of their court [Lords' Journals, vol. 19, p. 106.]. It is always an advantage to those who protest, that their reasons appear upon record, whilst the reasons of the majority who determine the question do not appear. This would be a disadvantage of such importance, as greatly to impair, if not totally to destroy, the effect of precedent as authority, if the reasons which prevailed were not justly presumed to be more valid than those which have been obliged to give way; the former having governed the final and conclusive decision of a competent court. But your committee, combining the fact of this decision with the early decision just quoted, and with the total absence of any precedent of an objection, before that time or since, allowed to pleading, or what has any relation to the rules and principles of pleading as used in Westminster-hall, has no doubt that the House of Lords was governed in the 9th of Anne by the very same principles which it had solemnly declared in the 11th of Richard 2nd.

But besides the presumption in favour of the reasons which must be supposed to have produced this solemn judgment of the peers, contrary to the practice of the courts below, as declared by all the judges—it is probable, that the Lords were unwilling to take a step, which might admit that any thing in that practice should be received as their rule. It must be observed, however, that the reasons against the article, alleged in the protest, were by no means solely bottomed in the practice of the courts below, as if the main reliance of the protestors was upon that usage. The protesting minority maintained, that it was not agreeable to several precedents in parliament; of which they cited many in favour of their opinion—It appears by the Journals, that the clerks were ordered to search for precedents, and a committee of peers was appointed to in-

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spect the said precedents, and to report upon them—and that they did inspect and report accordingly. But the report is not entered on the Journals. It is, however, to be presumed that the greater number and the better precedents supported the judgment.

Allowing, however, their utmost force to the precedents there cited, they could serve only to prove, that in the case of words (to which alone, and not the case of a written libel, the precedents extended) such a special averment, according to the tenor of the words, had been used; but not that it was necessary, or that ever any plea had been rejected upon such an objection.

As to the course of parliament resorted to for authority in this part of the protest, the argument seems rather to affirm than to deny the general proposition, that its own course, and not that of the inferior courts had been the rule and law of parliament.

As to the objection taken in the protest, drawn from natural right, the Lords knew, and it appears in the course of the proceeding, that the whole of the libel had been read at length. So that Dr. Sacheverell had substantially the same benefit of any thing which could be alleged in the extenuation or exculpation, as if his libellous sermons had been entered *verbatim* upon the recorded impeachment. It was adjudged sufficient to state the crime generally in the impeachment. The libels were given in evidence; and it was not then thought of, that nothing should be given in evidence which was not specially charged in the impeachment.

But whatever their reasons were (great and grave they were, no doubt) such, as your committee has stated it, is the judgment of the Peers on the law of parliament, as a part of the law of the land. It is the more forcible as concurring with the judgment in the 11th of Richard 2nd, and with the total silence of the rolls and journals concerning any objection to pleading ever being suffered to vitiate an impeachment, or to prevent evidence being given upon it on account of its generality, or any other failure.

Your committee do not think it probable that, even before this adjudication, the rules of pleading below could ever have been adopted in a parliamentary proceeding, when it is considered that the several statutes of jeofails not less than twelve in number, have been made for the correction of an overstrictness in pleading to the prejudice of substantial justice;* yet in no one of these is to be discovered the least mention of any proceeding in parliament. There is no doubt, that the legislature would have applied its remedy to that grievance in parliamentary proceedings, if it had found those proceedings embarrassed with what lord Mansfield, from the bench, and speaking of the matter of these statutes, very justly calls "disgraceful subtilties."

What is still more strong to the point, your committee finds, that in the 7th of William 3d, ch. 3. §. 12., an act was made for the regulating of trials for treason and misprision of treason, containing several regulations for reformation of proceedings at law, both as to matters of form and substance, as well as relative to evidence. It is an act thought most essential to the liberty of the subject; yet in this high and critical matter, so deeply affecting the lives, properties, honours, and even the inheritable blood of the subject, the legislature was so tender of the high powers of this high court, deemed so necessary for the attainment of the great objects of its justice, so fearful of enervating any of its means, or circumscribing any of its capacities, even by rules and restraints the most necessary for the inferior courts, that they guarded against it by an express proviso, "that neither this act, nor any thing therein contained, shall any ways extend to any impeachment or other proceedings in parliament in any kind whatsoever.

Conduct of the Commons in Pleading.

This point being thus solemnly adjudged in the case of Dr. Sacheverell, and the principles of the judgment being in agreement with the whole course of parliamentary proceedings, the managers for this House have ever since considered it as an indispensable duty, to assert the same principle in all its latitude upon all occasions on which it could come in question—and to assert it with an energy, zeal, and earnestness, proportioned to the magnitude and importance of the interest of the Commons of Great Britain in the religious observation of the rule, that the law of parliament, and the law of parliament only, should prevail in the trial of their impeachments.

In the year 1715 (1 Geo. 1), the Commons thought proper to impeach of high treason the lords who had entered into the rebellion of that period.* This was about six years after the decision in the case of Sacheverell. On the trial of one of these lords (the lord Wintoun) after verdict, the prisoner moved in arrest of judgment, and excepted against the impeachment for error, on account of the treason therein laid "not being described with sufficient certainty—the day on which the treason was committed not having been alleged." His counsel was heard to this point. They contended, "that the forfeitures in cases of treason are very great; and therefore they humbly conceived, that the accusation ought to contain all the certainty it is capable of; that the prisoner may not by general allegations be rendered incapable to defend himself in a case which may prove fatal to him. That they would not trouble their lordships

* Statutes at large, from 12 Edw. 1st to 16 and 17 Cha. 2nd.

* See Howell's State Trials vol. 15.

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with citing authorities; for they believed there is not one gentleman of the long robe but will agree that an indictment for any capital offence is erroneous, if the offence be not alleged to be committed on a certain day."—"That this impeachment set forth only that in or about the months of September, October or November 1715"—"the offence charged in the impeachment had been committed. The counsel argued that a proceeding by impeachment, is a proceeding at the common law for *lex parliamentaria* is a part of common law, and they submitted whether there is not the same certainty required in one method of proceeding at common law as in another."

The matter was argued elaborately and learnedly, not only on the general principles of the proceedings below, but on the inconvenience and possible hardships attending this uncertainty. They quoted Sacheverell's case, in whose impeachment "the precise days were laid, when the doctor preached each of these two sermons; and that by a like reason a certain day ought to be laid in the impeachment when this treason was committed; and that the authority of Dr. Sacheverell's case seemed so much stronger than the case in question, as the crime of treason is higher than that of a misdemeanor."

Here the managers for the Commons brought the point a second time to an issue, and that on the highest of capital cases; an issue, the event of which was to determine for ever, whether their impeachments were to be regulated by the law, as understood and observed in the inferior courts.—Upon the usage below there was no doubt; the indictment would unquestionably have been quashed: but the managers for the Commons stood forth upon this occasion with a determined resolution, and no less than four of them *seriatim* rejected the doctrine contended for by lord Wintoun's counsel. They were all eminent members of parliament, and three of them great and eminent lawyers, namely, the then attorney-general, sir William Thompson, and Mr. Cowper.

Mr. Walpole said, "those learned gentlemen (lord Wintoun's counsel) seem to forget in what court they are. "They have taken up so much of your lordships' time in quoting of authorities, and using arguments to show your lordships what would quash an indictment in the courts below, that they seemed to forget they are now in a court of parliament, and on an impeachment of the Commons of Great Britain. For, should the Commons admit all that they have offered, it will not follow that the impeachment of the Commons is insufficient; and I must observe to your lordships, that neither of the learned gentlemen have offered to produce one instance relative to an impeachment, I mean to show that the sufficiency of an impeachment was never called in question for the generality of the charge, or that any instance of that nature was offered at before. The Commons do not conceive, that, if this exception would quash an indictment, it would therefore make the impeachment insufficient. I hope it never will be allowed here as a reason, that what, quashes an indictment in the courts below, will make insufficient an impeachment brought by the Commons of Great Britain."

The attorney-General supported Mr. Walpole in affirmance of this principle. He said, "I would follow the steps of the learned gentleman who spoke before me, and I think he has given a good answer to these objections. I would take notice that we are upon an impeachment, not upon an indictment. The courts below have set forms to themselves, which have prevailed for a long course of time, and thereby are become the forms by which those courts are to govern themselves; but it never was thought that the forms of those courts had any influence on the proceedings of parliament. In Richard 2nd's, time, it is said in the records of parliament that proceedings in parliament are not to be governed by the forms of Westminster-hall. We are in the case of an impeachment, and in the court of parliament. Your lordships have already given judgment against six upon this impeachment, and it is warranted by the precedents in parliament; therefore we insist that the articles are good in substance."

Mr. Cowper.—"They (the counsel) cannot but know that the usages of parliaments are part of the laws of the land, although they differ in many instances from the common law, as practised in the inferior courts, in point of form.

"My lords, if the Commons, in preparing articles of impeachment should govern themselves by precedents of indictments, in my humble opinion they would depart from the antient, nay, the constant usage and practice of parliament. It is well known that the form of an impeachment has very little resemblance to that of an indictment; and I believe the Commons will endeavour to preserve the difference, by adhering to their own precedents.

Sir William Thompson.—"We must refer to the forms and proceedings in the court of parliament, and which must be owned to be part of the law of the land. It has been mentioned already to your lordships, that the precedents in impeachments are not so nice and precise in form as in the inferior courts; and we presume your lordships will be governed by the forms of your own court (especially forms that are not essential to justice) as the courts below are by theirs; which courts differ one from the other in many respects as to their forms of proceedings, and the practice of each court is esteemed as the law of that court."

The attorney-general, in reply, maintained his first doctrine—"There is no uncertainty in it that can be to the prejudice of the prisoner; we insist it is according to the forms of

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parliament; he has pleaded to it, and your lordships have found him guilty."

The opinions of the judges were taken in the House of Lords on the 19th of March 1715, upon two questions which had been argued in arrest of judgment, grounded chiefly on the practice of the courts below. To the first the judges answered: "It is necessary that there be a certain day laid in such indictments on which the fact is alleged to be committed; and that alleging in such indictments that the fact was committed at or about a certain day, would not be sufficient." To the second they answered: "That although a day certain when the fact is supposed to be done, be alleged in such indictments, yet it is not necessary upon the trial to prove the fact to be committed upon that day; but it is sufficient if proved to be done on any other day before the indictment found."

Then it was "agreed by the House, and ordered, that the lord high steward be directed to acquaint the prisoner at the bar in Westminster-hall, That the lords have considered of the matters moved in arrest of judgment, and are of opinion, that they are not sufficient to arrest the same, but that the impeachment is sufficiently certain in point of time according to the form of impeachments in parliament." [Lords' Journals, vol. 20, p. 316.]

On this final adjudication (given after solemn argument, and after taking the opinion of the judges) in affirmance of the law of parliament against the undisputed usage of the courts below, your committee has to remark, 1st, The preference of the custom of parliament to the usage below. By the very latitude of the charge, the parliamentary accusation gives the prisoner fair notice to prepare himself upon all points: whereas there seems something ensnaring in the proceedings upon indictment, which fixing the specification of a day certain for the treason or felony as absolutely necessary in the charge, gives notice for preparation only on that day; whilst the prosecutor has the whole range of time antecedent to the indictment to allege and give evidence of facts against the prisoner. It has been usual, particularly in later indictments, to add, "at several other times." But the strictness of naming one day is still necessary, and the want of the larger words would not quash the indictment. 2dly, A comparison of the extreme rigour and exactness required in the more formal part of the proceeding (the indictment), with the extreme laxity used in the substantial part (that is to say the evidence received to prove the fact), fully demonstrates that the partizans of those forms would put shackles on the high court of parliament with which they are not willing, or find it wholly impracticable, to bind themselves. 3dly, That the latitude of departure from the letter of the indictment (which holds in other matters besides this) is in appearance much more contrary to natural justice than any thing which has been objected against the evidence offered by your managers, under a pretence that it exceeded the limits of pleading. For in the case of indictments below, it must be admitted that the prisoner may be unprovided with proof of an *alibi*, and other material means of defence, or may find some matters unlooked for produced against him by witnesses utterly unknown to him: whereas nothing was offered to be given in evidence under any of the articles of this impeachment, except such as the prisoner must have had perfect knowledge of, the whose consisting of matters sent over by himself to the court of directors, and authenticated under his own hand. No substantial injustice or hardship of any kind could arise from our evidence under our pleadings: whereas in theirs very great and serious inconveniences might well happen.

Your committee has farther to observe, that in the case of lord Wintoun, as in the case of Dr. Sacheverell, the Commons had in their managers persons abundantly practised in the law as used in the inferior jurisdictions, who could easily have followed the precedents of indictments, if they had not purposely, and for the best reasons, avoided such precedents.

A great writer on the criminal law, Justice Foster, in one of his discourses,* fully recognizes those principles for which your managers have contended, and which have to this time been uniformly observed in parliament. In a very elaborate reasoning on the case of a trial in parliament (the trial of those who had murdered Edward 2nd), he observes thus:— "It is well known, that in parliamentary proceedings of this kind, it is, and ever was, sufficient that matters appear with proper light and certainty to a common understanding, without that minute exactness which is required in criminal proceedings in Westminster-hall. In these cases the rule has always been *loquendum ut vulgus*." And in a note he says, "In the proceeding against Mortimer in this parliament, so little regard was had to the forms used in legal proceedings, that he who had been frequently summoned to parliament as a baron, and had lately been created Earl of March, is styled through the whole record merely Roger de Mortimer."

The departure from the common forms in the first case alluded to by Foster, viz. the trial of Berkeley, Mautravers, &c. for treason, in the murder of Edward 2nd,† might be more plausibly attacked, because they were tried, though in parliament, by a jury of freeholders; which circumstance might have given occasion to justify a nearer approach to the forms of indictments below. But no such forms were observed, nor, in the opinion of

* Discourse 4, p. 389.

† Parl. Rolls, vol. 2, p. 57. 4 Ed. 3d, A. D. 1330.

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this able judge, ought they to have been observed.

Publicity of the Judges Opinions.

It appears to your committee, that, from the 30th year of king Charles 2nd, until the trial of Warren Hastings, esq. in all trials in parliament, as well upon impeachments of the Commons as on indictments brought up by *certiorari*, when any matter of law hath been agitated at the bar, or in the course of trial hath been stated by any lord in the court, it hath been the prevalent custom to state the same in open court. Your committee has been able to find, since that period, no more than one precedent (and that a precedent rather in form than in substance) of the opinions of the judges being taken privately, except when the case on both sides has been closed, and the Lords have retired to consider of their verdict, or of their judgment thereon. Upon the soundest and best precedents, the Lords have improved on the principles of publicity and equality, and have called upon the parties severally to argue the matter of law, previously to a reference to the judges, who, on their parts, have afterwards, in open court, delivered their opinions, often by the mouth of one of the judges, speaking for himself and the rest, and in their presence; and sometimes all the judges have delivered their opinion *seriatim* (even when they have been unanimous in it), together with their reasons upon which their opinion had been founded. This, from the most early times, has been the course in all judgments in the House of Peers. Formerly even the record contained the reasons of the decision. "The reason wherefore (said lord Coke),* the records of parliaments have been so highly extolled is, that therein is set down, in cases of difficulty, not only the judgment and resolution, but the reasons and causes of the same, by so great advice."

In the 30th of Charles 2nd, during the trial of lord Cornwallis, on the suggestion of a question in law to the judges, lord Danby demanded of the lord high steward, the earl of Nottingham, "Whether it would be proper here (in open court) to ask the question of your grace, or to propose it to the judges."† The lord high steward answered, "If your lordships doubt of any thing whereon a question in law ariseth, the latter opinion, and the better for the prisoner, is, that it must be stated in the presence of the prisoner, that he may know whether the question be truly put." It hath sometimes been practised otherwise; and the Peers have sent for the judges, and have asked their opinion in private, and have come back and have given their verdict according to that opinion, and there is scarcely a precedent of its being otherwise done. There is a later authority in print, that doth settle the point so as I tell you, and I do conceive it ought to be followed; and it being safer for the prisoner, my humble opinion to your lordship is, that he ought to be present at the stating of the question. Call the prisoner."—The prisoner, who had withdrawn, again appearing, he said: "My lord Cornwallis, and my lords the peers, since they have withdrawn, have conceived a doubt in some matter of fact in your case; and they have that tender regard of a prisoner at the bar, that they will not suffer a case to be put up in his absence, lest it should chance to prejudice him by being wrong stated." Accordingly the question was both put, and the judges answer given publicly, and in his presence.

Very soon after the trial of lord Cornwallis, the impeachment against lord Stafford was brought to a hearing, that is, in the 32nd of Charles 2nd. In that case, the lord at the bar having stated a point of law, "touching the necessity of two witnesses to an overt act in case of treason, the lord high steward told lord Stafford, that "all the judges that assist them, and are here in your lordship's presence and hearing, should deliver their opinions, whether it be doubtful and disputable or not." Accordingly the judges delivered their opinion, and each argued it (though they were all agreed) *seriatim* and in open court. Another abstract point of law was also proposed from the bar on the same trial, concerning the legal sentence in high treason; and in the same manner the judges on reference delivered their opinion in open court; and no objection was taken to it, as any thing new or irregular.*

In the 1st of James 2nd, came on a remarkable trial of a peer; the trial of lord Delamere. On that occasion a question of law was stated. There also, in conformity to the precedents and principles given on the trial of lord Cornwallis, and the precedent in the impeachment of lord Stafford, the then lord high steward took care that the opinion of the judges should be given in open court.

Precedents grounded on principles so favourable to the fairness and equity of judicial proceedings, given in the reigns of Charles 2nd, and James 2nd, were not likely to be abandoned after the revolution. The first trial of a peer which we find after the revolution, was that of the earl of Warwick In the case of the earl of Warwick, 11 Will. 3rd,† a question in law upon evidence was put to the judges; the statement of the question was made in open court by the lord high steward, lord Somers: "If there be six in company, and one of them is killed, the other five are afterwards indicted, and three are tried and found guilty of manslaughter, and upon their prayers have

* Coke, Inst. 4, p. 3.

† State Trials, Vol. 2. p. 725. [Howell's State Trials, Vol. 7, p. 143.]

* State Trials, Vol. 3, p. 212. [Howell's State Trials, Vol. 7, p. 1293.]

† State Trials, Vol. 5, p. 169. [Howell's State Trials, Vol. 13, p. 939.]

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their clergy allowed, and the burning in the hand is respited, but not pardoned, whether any of the three can be a witness on the trial of the other two."—Lord Halifax: "I suppose your lordships will have the opinion of the judges upon this point; and that must be in the presence of the prisoner."—Lord high Steward (lord Somers): "It must certainly be in the presence of the prisoner, if you ask the judges opinions."

In the same year lord Mohun was brought to trial upon an indictment for murder. In this single trial a greater number of questions was put to the judges in matter of law, than probably was ever referred to the judges in all the collective body of trials before or since that period. That trial, therefore, furnishes the largest body of authentic precedents in this point to be found in the records of parliament. The number of questions put to the judges in this trial was twenty-three.* They all originated from the peers themselves; yet the Court called upon the party's counsel, as often as questions were proposed to be referred to the judges, as well as on the counsel for the crown, to argue every one of them before they went to those learned persons. Many of the questions accordingly were argued at the bar at great length. The opinions were given and argued in open court. Peers frequently insisted that the judges should give their opinions *seriatim*, which they did always publicly in the court, with great gravity and dignity, and greatly to the illustration of the law, as they held and acted upon it in their own courts.

In Sacheverell's case (just cited for another purpose) the earl of Nottingham demanded whether he might not propose a question of law to the judges in open court. It was agreed to; and the judges gave their answer in open court, though this was after verdict given: and in consequence of the advantage afforded to the prisoner in hearing the opinion of the judges, he was thereupon enabled to move in arrest of judgment.

The next precedent which your committee finds of a question put by the Lords, sitting as a court of judicature, to the judges pending the trial, was in the 20th of George the Second; when lord Balmerino [Lords Journals, Vol. 9, p 606.], who was tried on an indictment for high treason, having raised a doubt, whether the evidence proved him to be at the place assigned for the overt act of treason on the day laid in the indictment, the point was argued at the bar by the counsel for the crown in the prisoner's presence, and for his satisfaction. The prisoner, on hearing the argument, waived his objection, but the then lord president moving their lordships to adjourn to the chamber of parliament, the Lords adjourned accordingly; and after some time, returning into Westminster-hall, the lord high steward (lord Hardwicke) said, "Your lordships were pleased, in the chamber of parliament, to come to a resolution, that the opinion of the learned and reverend judges should be taken on the following question, namely, whether it is necessary that an overt act of high treason should be proved to have been committed on the particular day laid in the indictment? Is it your lordships pleasure that the judges do now give their opinion on that question?

"Lords.—Aye, aye.

"Lord high Steward.—My lord chief justice!

"Lord chief justice Lee.—The question proposed by your lordships is, whether it be necessary that an overt act of high treason should be proved to be committed on the particular day laid in the indictment?—We are all of opinion, that it is not necessary to prove the overt act to be committed on the particular day laid in the indictment; but as evidence may be given of an overt act before the day, so it may be after the day specified in the indictment; for the day laid is circumstance and form only, and not material in point of proof, this is the known constant course of proceeding in trials.—Here the case was made for the judges, for the satisfaction of one of the peers, after the prisoner had waived his objection. Yet it was thought proper, as a matter of course and of right, that the judges should state the question put to them in the open court, and in presence of the prisoner; and that, in the same open manner, and in the same presence, their answer should be delivered.

Your committee concludes their precedents begun under lord Nottingham, and ended under lord Hardwicke. They are of opinion, that a body of precedents so uniform, so accordant with principle, made in such times, and under the authority of a succession of such great men, ought not to have been departed from. The single precedent to the contrary, to which your committee has alluded above, was on the trial of the duchess of Kingston,* in the reign of his present majesty. But in that instance the reasons of the judges were, by order of the House, delivered in writing, and entered at length on the Journals; so that the legal principle of the decision is equally to be found, which is not the case in any one instance of the present impeachment.

The earl of Nottingham, in lord Cornwallis's case, conceived, though it was proper and agreeable to justice, that this mode of putting questions to the judges, and receiving their answer in public, was not supported by former precedents: but, he thought, a book of authority had declared in favour of this course.

Your committee is very sensible, that antecedent to the great period to which they refer, there are instances of questions having been

* State Trials, Vol. 4, p. 538-551. [Howell's State Trials, Vol. 12, p. 1015—1044.]

* State Trials, Vol. 2, p. 262. [Howell's State Trials, vol. 20, p. 355.]

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put to the judges privately. But we find the principle of publicity (whatever variations from it there might be in practice) to have been so clearly established at a more early period, that all the judges of England resolved, in lord Morley's trial, in the year 1666 (about twelve years before the observation of lord Nottingham), on a supposition that the trial should be actually concluded, and the Lords retired to the chamber of parliament to consult on their verdict, that even in that case (much stronger than the observation of your committee requires for its support), if their opinions should then be demanded by the Peers, for the information of their private conscience, yet they determined that they should be given in public. This resolution is in itself so solemn, and is so bottomed on constitutional principle and legal policy, that your committee have thought fit to insert it *verbatim* in their report, as they relied upon it at the bar of the court, when they contended for the same publicity. "It was resolved, that in case the Peers who are triers, after the evidence given, and the prisoner withdrawn, and they gone to consult of the verdict, should desire to speak with any of the judges, to have their opinion upon any point of law, that if the lord steward spoke to us to go, we should go to them. But when the Lords asked us any question, we should not deliver any private opinion, but let them know we were not to deliver any private opinion without conference with the rest of the judges, and that to be done openly in court; and this (notwithstanding the precedent in the case of the earl of Castlehaven) was thought prudent in regard of ourselves, as well as for the avoiding suspicion, which might grow by private opinions, all resolutions of judges being always done in public."*

The judges in this resolution over-ruled the authority of the precedent, which militated against the whole spirit of their place and profession. Their declaration was without reserve or exception, that "all resolutions of the judges are always done in public."—These judges (as should be remembered to their lasting honour) did not think it derogatory from their dignity, nor from their duty to the House of Lords, to take such measures concerning the publicity of their resolutions, as should secure them from suspicion. They knew that the mere circumstance of privacy in a judicature, where any publicity is in use, tends to beget suspicion and jealousy.—Your committee is of opinion, that the honourable policy of avoiding suspicion, by avoiding privacy, is not lessened by any thing which exists in the present time, and in the present trial.

Your committee has here to remark, that this learned judge seemed to think the case of lord Audley (Castlehaven) to be more against him than in truth it was. The precedents were as follow:—The opinions of the judges were taken three times. The first time by the attorney-general, at Serjeant's-Inn, antecedent to the trial. The last time, after the Peers had retired to consult on their verdict. The middle time, was during the trial itself;* and here the opinion was taken in open court, agreeably to what your committee contends to have been the usage ever since this resolution of the judges. What was done before seemed to have passed *sub silentio*, and possibly through mere inadvertence.

Your committee observes, that the precedents by them relied on, were furnished from times in which the judicial proceedings in parliament, and in all our courts, had obtained a very regular form. They were furnished at a period in which, Justice Blackstone remarks, that more laws were passed, of importance to the rights and liberties of the subject, than in any other. These precedents lean all one way, and carry no marks of accommodation to the variable spirit of the times and of political occasions. They are the same before and after the Revolution. They are the same through five reigns. The great men who presided in tribunals which furnished these examples were in opposite political interests, but all distinguished for their ability, integrity, and learning.

The earl of Nottingham, who was the first on the bench to promulgate this publicity as a rule, has not left us to seek the principle in the case: that very learned man considers the publicity of the questions and answers as a matter of justice, and of justice favourable to the prisoner. In the case of Mr. Hastings, the prisoner's counsel did not join your committee in their endeavours to obtain the publicity we demanded. Their reasons we can only conjecture. But your managers, acting for this House, were not the less bound to see that the due parliamentary course should be pursued, even when it is most favourable to those whom they impeach. If it should answer the purposes of one prisoner to waive the rights which belong to all prisoners, it was the duty of your managers to protect those general rights against that particular prisoner. It was still more their duty to endeavour, that their own questions should not be erroneously stated, or cases put which varied from those which they argued, or opinions given in a manner not supported by the spirit of our laws and institutions, or by analogy with the practice of all our courts.

Your committee, much in the dark about a matter in which it was so necessary that they should receive every light, have heard, that in debating this matter abroad, it has been objected, that many of the precedents on which we most relied were furnished in the courts of the lord high steward, and not in trials where the Peers were judges; and that the lord high steward not having it in his power

* Kelynge's Reports, p. 54.

* Rushworth, Vol. 2, p. 93, 94, 95, 100.

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to retire with the juror peers, the judges' opinions, from necessity, not from equity to the parties, were given before that magistrate.

Your committee thinks it scarcely possible that the Lords could be influenced by such a feeble argument. For, admitting the fact to have been as supposed, there is no sort of reason why so uniform a course of precedents, in a legal court, composed of a peer for judge, and peers for triers—a course so favourable to all parties and to equal justice—a course in concurrence with the procedure of all our other courts, should not have the greatest authority over their practice in every trial before the whole body of the peerage.

The earl of Nottingham, who acted as high steward in one of these commissions, certainly knew what he was saying. He gave no such reason. His argument for the publicity of the judges opinions did not turn at all on the nature of his court, or of his office in that court. It rested on the equity of the principle, and on the fair dealing due to the prisoner.

Lord Somers was in no such court; yet his declaration is full as strong. He does not indeed argue the point, as the earl of Nottingham did when he considered it as a new case. Lord Somers considers it as a point quite settled, and no longer standing in need of being supported by reason or precedent.

But it is a mistake that the precedents stated in this report are wholly drawn from proceedings in that kind of court. Only two are cited, which are furnished from a court constituted in the manner supposed. The rest were in trials by all the peers, and not by a jury of peers with an high steward. After long discussions with the Peers on this subject, "The Lords committees in a conference told them [the committee of this House, appointed to a conference on the matter], that the high steward is but speaker *pro tempore*, and giveth his vote as well as the other lords: this changeth not the nature of the court. And the Lords declared, that they have power enough to proceed to trial, though the king should not name an high steward."* On the same day, "It is declared and ordered, by the Lords spiritual and temporal in parliament assembled, that the office of high steward on trials of peers upon impeachments is not necessary to the House of Peers—but that the Lords may proceed in such trials, if an high steward is not appointed, according to their humble desire."

To put the matter out of all doubt, and to remove all jealousy on the part of the Commons, the commission of the lord high steward was then altered.

These rights, contended for by the Commons in their impeachments, and admitted by the Peers, were asserted in the proceedings preparatory to the trial of lord Stafford, in which that long chain of uniform precedents, with regard to the publicity of the judges opinions in trials begins.

For these last citations, and some of the remarks, your committee are indebted to the learned and upright justice Foster. They have compared them with the Journals, and find them correct. The same excellent author proceeds to demonstrate that whatever he says of trials by impeachment is equally applicable to trials before the high steward on indictment; and consequently, that there is no ground for a distinction, with regard to the public declaration of the judges opinions, founded on the inapplicability of either of these cases to the other. The argument on this whole matter is so satisfactory, that your committee has annexed it at large to their report.* As there is no difference, in fact, between these trials (especially since the act which provides that all the Peers shall be summoned to the trial of a peer) so there is no difference in the reason and principle of the publicity, let the matter of the steward's jurisdiction be as it may.

Publicity General.

Your committee do not find any positive law which binds the judges of the courts in Westminster-hall publicly to give a reasoned opinion from the bench, in support of their judgment upon matters that are stated before them. But the course hath prevailed from the oldest times. It hath been so general and so uniform, that it must be considered as the law of the land. It has prevailed, so far as we can discover, not only in all the courts which now exist, whether of law or equity, but in those which have been suppressed or disused, such as the courts of wards and the star-chamber. An author quoted by Rushworth, speaking of the constitution of that chamber, "And so it was resolved, by the judges, on reference made to them; and their opinion, after deliberate hearing, and view of former precedents, was published in open court."† It appears elsewhere in the same compiler, that all their proceedings were public, even in deliberating previous to judgment.

The judges in their reasonings have always been used to observe on the arguments employed by the counsel on either side; and on the authorities cited by them, assigning the grounds for rejecting the authorities which they reject, or for adopting those to which they adhere, or for a different construction of law, according to the occasion. This publicity, not only of decision but of deliberation, is not confined to their several courts, whether of law or equity, whether above, or at Nisi Prius, but it prevails where they are assembled in the Exchequer-chamber, or at Serjeant's Inn, or wherever matters come before the judges collectively for consultation and revision.—It seems to your committee to

* Foster's Crown Laws, p. 145.

* See the Appendix, No. 1.

† Rushworth, Vol. 2, p. 475, *et passim*.

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be moulded in the essential frame and constitution of British judicature.

Your committee conceives, that the English jurisprudence has not any other sure foundation, nor consequently the lives and properties of the subject any sure hold, but in the maxims, rules, and principles, and juridical traditionary line of decisions contained in the notes taken, and from time to time published (mostly under the sanction of the judges), called reports.

In the early periods of the law it appears to your committee, that a course still better had been pursued, but grounded on the same principles; and that no other cause than the multiplicity of business prevented its continuance. "Of ancient time (says lord Coke) in cases of difficulties, either criminal or civil, the reasons and causes of the judgment were set down upon the record, and so continued in the reigns of Ed. 1st and Ed. 2nd, and then there was no need of reports; but in the reign of Ed. 3rd (when the law was in its height) the causes and reasons of judgments, in respect of the multitude of them, are not set down in the record, but then the great casuists and reporters of cases (certain grave and sad men) published the cases, and the reasons and causes of the judgments or resolutions, which, from the beginning of the reign of Ed. 3rd and since, we have in print. But these also, though of great credit and excellent use in their kind, yet far underneath the authority of the parliament rolls, reporting the acts, judgments, and resolutions of that highest court."*

Reports, though of a kind less authentic than the year books to which Coke alludes, have continued without interruption to the time in which we live. It is well known, that the elementary treatises of law, and the dogmatical treatises of English jurisprudence, whether they appear under the names of institutes, digests, or commentaries, do not rest on the authority of the supreme power, like, the books called the institute, digest, code and authentic collations in the Roman law. With us, doctrinal books of that description have little or no authority, other than as they are supported by the adjudged cases and reasons given at one time or other from the bench and to these they constantly refer. This appears in Coke's institutes, in Comyns's digest, and in all books of that nature. To give judgment privately is to put an end to reports; and to put an end to reports, is to put an end to the law of England. It was fortunate for the constitution of this kingdom, that in the judicial proceedings in the case of ship money, the judges did not then venture to depart from the ancient course. They gave and they argued their judgment in open court.† Their reasons were publicly given; and the reasons assigned for their judgment took away all its authority.

The great historian lord Clarendon, at that period a young lawyer, has told us, that the judges gave as law from the bench what every man in the hall knew not to be law.

This publicity, and this mode of attending the decision with its grounds, is not observed only in the tribunals where the judges preside in a judicial capacity individually or collectively, but where they are consulted by the Peers on the law in all writs of error brought from below. In the opinion they give of the matter assigned as error, one at least of the judges argues the questions at large. He argues them publicly, though in the chamber of parliament; and in such a manner, that every professor, practitioner, or student of the law, as well as the parties to the suit, may learn the opinions of all the judges of all the courts upon those points, in which the judges in one court might be mistaken.

Your committee is of opinion that nothing better could be devised by human wisdom than argued judgments publicly delivered for preserving unbroken the great traditionary body of the law, and for marking, whilst that great body remained unaltered, every variation in the application and the construction of particular parts; for pointing out the ground of each variation; and for enabling the learned of the bar, and all intelligent laymen to distinguish those changes made for the advancement of a more solid, equitable, and substantial justice, according to the variable nature of human affairs, a progressive experience, and the improvement of moral philosophy, from those hazardous changes in any of the ancient opinions and decisions, which may arise from ignorance, from levity, from false refinement, from a spirit of innovation, or from other motives, of a nature not more justifiable.

Your committee, finding this course of proceeding to be concordant with the character and spirit of our judicial proceeding, continued from time immemorial, supported by arguments of sound theory, and confirmed by effects highly beneficial, could not see without uneasiness, in this great trial for Indian offences, a marked innovation. Against their reiterated requests, remonstrances, and protestations, the opinions of the judges were always taken secretly.

Not only the constitutional publicity for which we contend was refused to the request and entreaty of your committee; but when a noble peer, on the 24th day of June 1789, did in open court declare, that he would then propose some questions to the judges in that place, and hoped to receive their answer openly, according to the approved good customs of that and of other courts, the Lords instantly put a stop to the further proceeding by an immediate adjournment to the chamber of parliament.

* Coke 4 Inst. p. 5.

† This is confined to the judicial opinions in Hambden's case. It does not take in all the extra-judicial opinions.

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Upon this adjournment we find by the Lords' Journals, that the House, on being resumed, ordered, that "it should resolve itself into a committee of the whole House, on Monday next, to take into consideration what is the proper manner of putting questions by the Lords to the judges, and of their answering the same in judicial proceedings."

The House did thereon resolve itself into a committee, from which the earl of Galloway, on the 29th of the same month, reported as follows: "That the House has, in the trial of Warren Hastings, esq. proceeded in a regular course in the manner of propounding their questions to the judges in the chamber of parliament and in receiving their answers to them in the same place." The resolution was agreed to by the Lords: but the protest (as below)*

* Dissentient.

1st. Because, by consulting the judges out of court in the absence of the parties, and with shut doors we have deviated from the most approved, and almost uninterrupted, practice of above a century and a half, and established a precedent not only destructive of the justice due to the parties at our bar, but materially injurious to the rights of the community at large, who in cases of impeachments are more peculiarly interested that all proceedings of this high court of parliament should be open and exposed, like all other courts of justice, to public observation and comment, in order that no covert and private practices should defeat the great ends of public justice.

2dly. Because, from private opinions of the judges, upon private statements, which the parties have neither heard nor seen, grounds of a decision will be obtained, which must inevitably affect the cause at issue at our bar; this mode of proceeding seems to be a violation of the first principle of justice, inasmuch as we thereby force and confine the opinions of the judges to our private statement; and through the medium of our subsequent decision we transfer the effect of those opinions to the parties, who have been deprived of the right and advantage of being heard by such private, though unintended, transmutation of the point at issue.

3dly. Because the prisoners who may hereafter have the misfortune to stand at our bar will be deprived of that consolation which the lord high steward, Nottingham, conveyed to the prisoner, lord Cornwallis, viz. "That the Lords have that tender regard of a prisoner at the bar, that they will not suffer a case to be put in his absence, lest it should prejudice him by being wrong stated."

4thly. Because unusual mystery and secrecy in our judicial proceedings must tend either to discredit the acquittal of the prisoner, or render the justice of his condemnation doubtful.

PORCHESTER.
SUFFOLK and BERKSHIRE.
LOUGHBOROUGH.

was entered thereupon, and supported by strong arguments.

Your committee remark, that this resolution states only, that the House had proceeded in this secret manner of propounding questions to the judges, and of receiving their answers during the trial, and on matters of debate between the parties, "in a regular course." It does not assert that another course would not have been as regular. It does not state either judicial convenience, principle, or body of precedents for that regular course. No such body of precedents appear on the Journal that we could discover. Seven and twenty at least, in a regular series, are directly contrary to this regular course. Since the era of the 29th of June 1789, no one question has been admitted to go publicly to the judges.

This determined and systematic privacy was the more alarming to your committee, because the questions did not (except in that case) originate from the Lords for the direction of their own conscience. These questions, in some material instances, were not made or allowed by the parties at the bar, nor settled in open court, but differed materially from what your managers contended was the true state of the question, as put and argued by them. They were such as the Lords thought proper to state for them. Strong remonstrances produced some alteration in this particular; but even after these remonstrances, several questions were made, on statements which the managers never made nor admitted.

Your committee does not know of any precedent before this, in which the peers, on a proposal of the Commons, or of a less weighty person before their court, to have the cases publicly referred to the judges, and their arguments and resolutions delivered in their presence, absolutely refused. The very few precedents of such private reference on trials, have been made, as we have observed already, *sub silentio*, and without any observation from the parties. In the precedents we produce, the determination is accompanied with its reasons, and the publicity is considered as the clear undoubted right of the parties.

Your committee, using their best diligence, have never been able to form a clear opinion upon the ground and principle of these decisions. The mere result upon each case decided by the Lords furnished them with no light from any principle, precedent, or foregone authority of law or reason, to guide them with regard to the next matter of evidence which they had to offer, or to discriminate what matter ought to be urged, or to be set aside; your committee not being able to divine, whether the particular evidence, which, upon a conjectural principle, they might choose to abandon, would not appear to this House, and to the judging world at large, to be admissible, and possibly decisive proof. In these straights they had and have no choice, but either wholly to abandon the

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prosecution, and of consequence to betray the trust reposed in them by this House, or to bring forward such matter of evidence as they are furnished with from sure sources of authenticity, and which in their judgment, aided by the best advice they could obtain, is possessed of a moral aptitude juridically to prove or to illustrate the case which the House had given them in charge.

Mode of putting the Questions.

When your committee came to examine into those private opinions of the judges, they found, to their no small concern, that the mode both of putting the questions to the judges, and their answers, was still more unusual and unprecedented than the privacy with which those questions were given and resolved. This mode strikes, as we apprehend, at the vital privileges of the House. For, with the single exception of the first question put to the judges in 1788, the case being stated, the questions are raised directly specifically, and by name, on those privileges; that is, what evidence is it competent for the managers of the House of Commons to produce.

We conceive, that it was not proper, nor justified by a single precedent, to refer to the judges of the inferior courts any question, and still less for them to decide in their answer, of what is or is not competent for the House of Commons, or for any committee acting under their authority, to do, or not to do, in any instance or respect whatsoever. This new and unheard-of course can have no other effect than to subject to the discretion of the judges the law of parliament and the privileges of the House of Commons, and in a great measure the judicial privileges of the Peers themselves; any intermeddling in which on their part, we conceive to be a dangerous and unwarrantable assumption of power. It is contrary to what has been declared by lord Coke himself, in a passage before quoted, to be the duty of the judges; and to what the judges of former times have confessed to be their duty; on occasions to which he refers, in the time of Henry 6th. And we are of opinion that the conduct of those sages of the law, and others their successors, who have been thus diffident and cautious in giving their opinions upon matters concerning parliament, and particularly on the privileges of the House of Commons, was laudable in the example, and ought to be followed; particularly the principles upon which the judges declined to give their opinions in the year 1614. It appears by the Journals of the Lords, that a question concerning the law relative to impositions having been put to the judges, the proceeding was as follows:

"Whether the lords, the judges, shall be heard deliver their opinion touching the point of impositions before further consideration be had of answer to be returned to the Lower House, concerning the message from them lately received."

"Whereupon the number of the lords requiring to hear the judges opinions by saying 'content,' exceeding the others which said 'non-content,' the lords, the judges, so desiring were permitted to withdraw themselves into the lord chancellor's private rooms; where having remained awhile, and advised together, they returned into the House, and having taken their places, and standing discovered, did by the mouth of the lord chief justice of the King's-bench, humbly desire to be forborne at this time, in this place, to deliver any opinion in this case, for many weighty and important reasons, which his lordship delivered with great gravity and eloquence; concluding, that himself and his brethren are upon particulars in judicial course to speak and judge between the king's majesty and his people, and likewise between his highness's subjects, and in no case to be disputants on any side."

Your committee do not find any thing which, through inadvertence or design, had a tendency to subject the law and course of parliament to the opinions of the judges of the inferior courts, from that period until the 1st of James 2nd. The trial of lord Delamere for high treason was had by special commission before the lord high steward: it was before the act which directs that all peers should be summoned to such trials. This was not a trial in full parliament, in which case it was then contended for, that the lord high steward was the judge of the law, presiding in the court, but had no vote in the verdict; and that the Lords were triers only, and had no vote in the judgment of law. This was looked on as the course, where the trial was not in full parliament, in which latter case there was no doubt but that the lord high steward made a part of the body of the triers, and that the whole House was the judge.* In this cause, after the evidence for the crown had been closed, the prisoner prayed the court to adjourn. The lord high steward doubted his power to take that step in that stage of the trial; and the question was, "Whether the trial not being in full parliament, when the prisoner is upon his trial, and evidence for the king is given, the Lords being (as it may be termed) charged with the prisoner, the Peers may separate for a time, which is the consequence of an adjournment?"

The lord high steward doubted of his power to adjourn the court. The case was evidently new, and his grace proposed to have the opinion of the judges upon it. The judges, in consequence, offering to withdraw into the exchequer chamber, lord Falconberg "insisted that the question concerned the privilege of the peerage only, and conceived that the judges are not concerned to make any deter-

* See the lord high steward's speech on that head, 1st Jas. 2nd.

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mination in that matter; and being such a point of privilege, certainly the inferior courts have no right to determine it." It was insisted, therefore, that the Lords triers should retire with the judges. The lord high steward thought differently, and opposed this motion; but, finding the other opinion generally prevalent, he gave way, and the Lords triers retired, taking the judges to their consult.

When the judges returned, they delivered their opinion in open court. Lord chief justice Herbert spoke for himself, and the rest of the judges. After observing on the novelty of the case, with a temperate and becoming reserve with regard to the rights of parliaments, he marked out the limits of the offices of the inferior judges on such occasions, and declared, "All that we, the judges, can do, is to acquaint your grace and the noble lords what the law is in the inferior courts in cases of the like nature, and the reason of the law in those points, and then leave the jurisdiction of the court to its proper judgment." The chief justice concluded his statement of the usage below, and his observations on the difference of the cases of a peer tried in full parliament, and by a special commission in this manner: "Upon the whole matter, my lords, whether the Peers, being judges in the one and not in the other instance, alters the case, or whether the reason of the law in inferior courts, why the jury are not permitted to separate until they have discharged themselves of their verdict, may have any influence on this case, where that reason seems to fail, the prisoner being to be tried by men of unquestionable honour, we cannot presume so far as to make any determination, in a case which is both new to us, and of great consequence in itself; but think it the proper way for us, having laid matters as we conceive them before your grace and my lords, to submit the jurisdiction of your own court to your own determination."

It appears to your committee, that the Lords who stood against submitting the course of their high court to the inferior judges, and that the judges, who, with a legal and constitutional discretion, declined giving any opinion in this matter, acted as became them; and your committee sees no reason why the Peers, at this day, should be less attentive to the rights of their court, with regard to an exclusive judgment on their own proceedings, or to the rights of the Commons acting as accusers for the whole Commons of Great Britain in that court, or why the judges should be less reserved in deciding upon any of these points of high parliamentary privilege, than the judges of that and the preceding periods. This present case is a proceeding in full parliament, and not like the case under the commission in the time of James 2nd, and still more evidently out of the province of judges in the inferior courts.

All the precedents previous to the trial of Warren Hastings, esq. seem to your committee to be uniform. The judges had constantly refused to give an opinion on any of the powers, privileges, or competencies of either House. But in the present instance your committee has found, with great concern, a further matter of innovation. Hitherto the constant practice has been to put questions to the judges but in the three following ways; as, 1st, a question of pure abstract law, without reference to any case, or merely upon an A. B. case stated to them. 2ndly, To the legal construction of some act of parliament. 3dly, To report the course of proceeding in the courts below, upon an abstract case. Besides these three, your committee knows not of a single example of any sort, during the course of any judicial proceeding at the bar of the House of Lords, whether the prosecution has been by indictment, by information from the attorney-general, or by impeachment of the House of Commons.

In the present trial, the judges appear to your committee not to have given their judgment on points of law, stated as such, but to have in effect tried the cause, in the whole course of it, with one instance to the contrary. The Lords have stated no question of general law; no question on the construction of an act of parliament; no question concerning the practice of the courts below. They put the whole gross case, and matter in question, with all its circumstances, to the judges. They have, for the first time, demanded of them what particular person, paper, or document ought, or ought not, to be produced before them by the managers for the Commons of Great Britain.—For instance, whether under such an article, the Bengal consultations of such a day, the examination of rajah Nundcomar, and the like.

The operation of this method is in substance not only to make the judges masters of the whole process and conduct of the trial, but through that medium to transfer to them the ultimate judgment on the cause itself, and its merits. The judges attendant on the court of peers hitherto have not been supposed to know the particulars and minute circumstances of the cause, and must therefore be incompetent to determine upon those circumstances. The evidence taken is not, of course, that we can find, delivered to them—nor do we find, that in fact any order has been made for that purpose, even supposing that the evidence could at all regularly be put before them. They are present in court, not to hear the trial, but solely to advise in matter of law—they cannot take upon themselves to say any thing about the Bengal consultations, or to know any thing of rajah Nundcomar, of Kelleram, or of Mr. Francis, or sir John Clavering.

That the House may be the more fully enabled to judge of the nature and tendency of thus putting the question specifically, and on the gross case, your committee thinks fit here to insert one of those questions, reserv-

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ing a discussion of its particular merits to another place. It was stated on the 22nd of April, 1790, "On that day the managers proposed to show that Kelleram fell into great balances with the East India company, in consequence of his appointment."—It is so stated in the printed minutes [p. 1206]. But the real tendency and gist of the proposition is not shown. However the question was put, "whether it be or be not competent to the managers for the Commons to give evidence upon the charge in the 6th article, to prove that the rent which the defendant, Warren Hastings, esq. let the lands mentioned in the said 6th article of charge to Kelleram, fell into arrear and was deficient; and whether, that if proof were offered, the rent fell into arrear immediately after the letting, the evidence in that case would be competent? The judges answered on the 27th of the said month, as follows: "It is not competent for the managers for the House of Commons to give evidence upon the charge in the 6th article, to prove that the rent at which the defendant, Warren Hastings, let the lands in the said 6th article of charge to Kelleram, fell into arrear and was deficient."

The House will observe, that on the question two cases of competence were put—The first on the competence of managers for the House of Commons to give the evidence supposed to be offered by them, but which we deny to have been offered in the manner and for the purpose assumed in this question: the second is in a shape apparently more abstracted, and more nearly approaching to parliamentary regularity—on the competence of the evidence itself, in the case of a supposed circumstance being superadded The judges answered only the first, denying flatly the competence of the managers. As to the second, the competence of the supposed evidence they are profoundly silent. Having given this blow to our competence, about the other question (which was more within their province), namely the competence of evidence on a case hypothetically stated, they give themselves no trouble. The Lords on that occasion rejected the whole evidence. On the face of the judges opinion, it is a determination, on a case, the trial of which was not with them, but it contains no rule or principle of law, to which alone it was their duty to speak.*

These essential innovations tend, as your committee conceives, to make an entire alteration in the constitution, and in the purposes of the high court of parliament, and even to reverse the ancient relations between the Lords and the judges. It tends wholly to take away from the Commons the benefit of making good their case before the proper judges, and submits this high inquest to the inferior courts.

Your committee sees no reason why, on the same principles and precedents the Lords may not terminate their proceedings in this, and in all future trials, by sending the whole body of evidence taken before them in the shape of a special verdict, to the judges, and may not demand of them, whether they ought, on the whole matter, to acquit or condemn the prisoner; nor can we discover any cause that should hinder them from deciding on the accumulative body of the evidence, as hitherto they have done in its parts, and from dictating the existence or non-existence of a misdemeanor or other crime in the prisoner, as they think fit;—without any more reference to principle, or precedent of law, than hitherto they have thought proper to apply in determining on the several parcels of this cause.

Your committee apprehends, that very serious inconveniences and mischiefs may hereafter arise from a practice in the House of Lords, of considering itself as unable to act without the judges of the inferior courts, of implicitly following their dictates, of adhering with a literal precision to the very words of their responses, and putting them to decide on the competence of the managers for the Commons—the competence of the evidence to be produced—who are to be permitted to appear—what questions are to be asked of witnesses—and, indeed, parcel by parcel, on the whole of the gross case before them; as well as to determine upon the order, method, and process of every part of their proceedings. The judges of the inferior courts are by law rendered independent of the crown. But this, instead of a benefit to the subject, would be a grievance, if no way was left of producing a responsibility. If the Lords cannot or will not act without the judges, and if (which God forbid!) the Commons should find it at any time hereafter necessary to impeach them before the Lords; this House would find the Lords disabled in their functions, fearful of giving any judgment on matter of law, or admitting any proof of fact without them; and having once assumed the rule of proceeding and practice below as their rule, they must at every instant resort, for their means of judging, to the authority of those whom they are appointed to judge.

Your committee must always act with regard to men as they are. There are no privileges or exemptions from the infirmities of our common nature. We are sensible, that all men, and without any evil intentions, will naturally wish to extend their own jurisdiction, and to weaken all the power by which they may be limited and controlled. It is the business of the House of Commons to counteract this tendency. This House had given to its managers no power to abandon its privileges, and the rights of its constituents. They were themselves as little disposed, as authorized to make this surrender.

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* All the resolutions of the judges, to the time of the reference to the committee, are in the Appendix, No. 2.

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They are members of this House, not only charged with the management of this impeachment, but partaking of a general trust, inseparable from the Commons of Great Britain in parliament assembled, one of whose principal functions and duties it is, to be observant of the courts of justice, and to take due care that none of them, from the lowest to the highest, shall pursue new courses unknown to the laws and constitution of this kingdom, or to equity, sound legal policy, or substantial justice.

Your committee were not sent into Westminster-hall for the purpose of contributing in their persons, and under the authority of the House, to change the course or law of parliament, which had continued unquestioned for at least four hundred years. Neither was it any part of their mission to suffer precedents to be established, with relation to the law and rule of evidence, which tended in their opinion to shut up for ever all the avenues to justice. They were not to consider a rule of evidence as a means of concealment. They were not, without a struggle, to suffer any subtleties to prevail, which would render a process in parliament, not the terror, but the protection of all the fraud and violence arising from the abuse of British power in the East. Accordingly, your managers contended with all their might, as their predecessors in the same place had contended with more ability and learning, but not with more zeal and more firmness against those dangerous innovations as they were successively introduced; they held themselves bound constantly to protest, and in one or two instances they did protest, in discourses of considerable length, against those private, and for what they could find, unargued judicial opinions, which must, as they fear, introduce by degrees the miserable servitude which exists where the law is uncertain or unknown.

Debates on Evidence.

The chief debates at the bar, and the decisions of the judges (which we find in all cases implicitly adopted, in all their extent, and without qualification, by the Lords) turned upon evidence. Your committee, before the trial began, were apprized, by discourses which prudence did not permit them to neglect, that endeavours would be used to embarrass them in their proceedings by exceptions against evidence; that the judgments and opinions of the courts below would be resorted to on this subject; that there the rules of evidence were precise, rigorous, and inflexible; and that the counsel for the criminal would endeavour to introduce the same rules, with the same severity and exactness, into this trial.

Your committee were fully assured, and were resolved strenuously to contend, that no doctrine or rule of law, much less the practice of any court, ought to have weight or authority in parliament, farther than as such doctrine, rule, or practice, is agreeable to the proceedings in parliament, or hath received the sanction of approved precedent there; or is founded on the immutable principles of substantial justice, without which, your committee readily agrees, no practice, in any court, high or low, is proper or fit to be maintained.

In this preference of the rules observed in the high court of parliament, pre-eminently superior to all the rest, there is no claim made, which the inferior courts do not make, each with regard to itself. It is well known, that the rules of proceedings in these courts vary, and some of them very essentially; yet the usage of each court is the law of the court, and it would be vain to object to any rule in any court, that is not the rule of another court. For instance, as a general rule, the court of King's-bench, on trials by jury, cannot receive depositions, but must judge by testimony *vivâ voce*. The rule of the court of chancery is not only not the same, but it is the reverse. and lord Hardwicke ruled accordingly: "The constant and established proceedings of this court," said this great magistrate, "are on written evidence, like the proceedings on the civil and canon law. This is the course of the court, and the course of the court is the law of the court."—[Atkyns, Vol. 1. p, 446.]

Your managers were convinced that one of the principal reasons for which this cause was brought into parliament was, the danger that in inferior courts their rule would be formed naturally upon their ordinary experience, and the exigencies of the cases which in ordinary course came before them. This experience, and the exigencies of these cases, extend little farther than the concerns of a people comparatively in a narrow vicinage—a people of the same or nearly the same language, religion, manners, laws, and habits—with them an intercourse of every kind was easy.

These rules of law in most cases, and the practice of the courts in all, could not be easily applicable to a people separated from Great Britain by a very great part of the globe; separated by manners, by principles of religion, and of inveterate habits as strong as nature itself, still more than by the circumstance of local distance. Such confined and inapplicable rules would be convenient indeed to oppression, to extortion, bribery and corruption, but ruinous to the people, whose protection is the true object of all tribunals, and of all their rules. Even English judges in India, who have been sufficiently tenacious of what they considered as the rules of English courts, were obliged, in many points, and particularly with regard to evidence, to relax very considerably, as the civil and politic government has been obliged to do in several other cases, on account of insuperable difficulties arising from a great diversity of manners, and from what may be considered as a diversity even in the very constitution of

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their minds: instances of which your committee will subjoin in a future appendix.

Another great cause, why your committee conceived this House had chosen to proceed, in the high court of parliament was, because the inferior courts were habituated, with very few exceptions, to try men for the abuse only of their individual and natural powers, which can extend but a little way. Before them, offences, whether of fraud or violence, or both, are, for much the greater part, charged upon persons of mean and obscure condition. Those unhappy persons are so far from being supported by men of rank and influence, that the whole weight and force of the community is directed against them. In this case they are, in general, objects of protection as well as of punishment; and the course perhaps ought, as it is commonly said to be, not to suffer any thing to be applied to their conviction beyond what the strictest rules will permit.* But in the cause which your managers have in charge, the circumstances are the very reverse to what happens in the cases of mere personal delinquency, which come before the courts. These courts have not before them persons who act, and who justify their acts, by the nature of a despotical and arbitrary power. The abuses, stated in our impeachment, are not those of mere individual, natural faculties, but the abuses of civil and political authority. The offence is that of one, who has carried with him, in the perpetration of his crimes, whether of violence or of fraud, the whole force of the state; – who, in the perpetration and concealment of offences, has had the advantage of all the means and powers given to government for the detection and punishment of guilt, and for the protection of the people. The people themselves, on whose behalf the Commons of great Britain take up this remedial and protecting prosecution, are naturally timid. Their spirits are broken by the arbitrary power usurped over them, and claimed by the delinquent as his law. They are ready to flatter the power which they dread. They are apt to look for favour by covering those vices in the predecessor, which they fear the successor may be disposed to imitate. They have reason to consider complaints as means, not of redress, but of aggravation to their sufferings; and when they shall ultimately hear that the nature of the British laws, and the rules of its tribunals, are such as by no care or study either they, or even the Commons of Great Britain, who take up their cause, can comprehend, but which in effect and operation, leave them unprotected, and render those who oppress them secure in their spoils, they must think still worse of British justice than of the arbitrary power of the company's servants, which hath been exercised to their destruction. They will be for ever, what, for the greater part, they have hitherto been, inclined to compromise with the corruption of the magistrates, as a screen against that violence, from which the laws afford them no redress.

For these reasons, your committee did, and do, strongly contend, that the court of parliament ought to be open with great facility to the production of all evidence, except that which the precedents of parliament teach them authoritatively to reject, or which hath no sort of natural aptitude directly or circumstantially to prove the case. They have been and are invariably of opinion, that the Lords ought to enlarge, and not to contract, the rules of evidence, according to the nature and difficulties of the case, for redress to the injured, for the punishment of oppression, for the detection of fraud, and above all, to prevent what is the greatest dishonour to all laws, and to all tribunals—the failure of justice. To prevent the last of these evils all courts in this and all countries have constantly made all their maxims and principles concerning testimony to conform; although such courts have been bound undoubtedly by stricter rules, both of form and of prescript cases, than the sovereign jurisdiction exercised by the Lords on the impeachment of the Commons ever has been, or ever ought to be. Therefore your committee doth totally reject any rules by which the practice of any inferior court is affirmed as a directory guide to an higher, especially where the forms and the powers of the judicature are different, and the objects of judicial inquiry are not the same.

Your committee conceives that the trial of a cause is not in the arguments or disputations of the prosecutors and the counsel, but in the evidence; and that to refuse evidence is to refuse to hear the cause: nothing, therefore, but the most clear and weighty reasons, ought to preclude its production. Your committee conceives that, when evidence, on the face of it relevant, that is connected with the party and the charge, was denied to be competent, the burthen lay upon those who opposed it, to set forth the authorities, whether of positive statute, known recognized maxims and principles of law, passages in an accredited institute, code, digest, or systematic treatise of laws or some adjudged cases, wherein the courts have rejected evidence of that nature. No such thing ever (except in one instance, to which we shall hereafter speak) was produced at the bar, nor (that we know of) produced by the Lords in their debates, or by the judges in the opinions by them delivered. Therefore, for any thing which as yet appears to your committee to the contrary, these responses and decisions were, in many of the points, not the determinations of any law whatsoever but mere arbitrary decrees, to which we could not without solemn protestation submit.

Your committee, at an early period, and frequently since the commencement of this trial, have neglected no means of research, which might afford them information concerning these supposed strict and inflexible

* Blackstone's Commentaries, book 4, p. 358.

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rules of proceeding, and of evidence, which appeared to them destructive of all the means and ends of justice. And, first, they examined carefully the Rolls and Journals of the House of Lords, as also the printed trials of cases before that court. Your committee finds but one instance, in the whole course of parliamentary impeachments, in which evidence offered by the Commons has been rejected on the plea of admissibility or incompetence. This was in the case of lord Strafforde's trial, [Lords' Journals, Vol. 4. p. 204.] when the copy of a warrant (the same not having any attestation to authenticate it as a true copy) was, on deliberation, not admitted; and your committee thinks, as the case stood, with reason.—But even in this one instance, the Lords seemed to show a marked anxiety not to narrow too much the admissibility of evidence, for they confined their determination "to this individual case," as the lord steward reported their resolution, and, he adds, "they conceive this could be no impediment or failure in the proceeding, because the truth and verity of it would depend on the first general power given to execute it, which they who manage the evidence for the Commons say they could prove [Rushworth's Trial of lord Strafforde, p. 430.]—neither have objections to evidence offered by the prisoner been very frequently made, nor often allowed when made.—In the same case with lord Strafforde two books produced by his lordship without proof by whom they were written, were rejected (and on a clear principle) "as being private books, and no records." On both these occasions, the questions were determined by the Lords alone, without any resort to the opinions of the judges. In the impeachments of lord Stafford, Dr. Sacheverell, and lord Wintoun, no objection to evidence appears in the Lords' Journals to have been pressed, and not above one taken, which was on the part of the managers. Several objections were indeed taken to evidence in lord Macclesfield's trial. They were made on the part of the managers, except in two instances, where the objections were made by the witnesses themselves. They were all determined (those started by the managers in their favour) by the Lords themselves, without any reference to the judges. In the discussion of one of them, a question was stated for the judges concerning the law in a similar case upon an information in the court below; but it was set aside by the previous question [Lords' Journals, Vol. 22, p. 536 to 546.]

On the impeachment of lord Lovat [Lords' Journals, Vol. 27. p. 63, 65.] no more than one objection to evidence was taken by the managers, against which lord Lovat's counsel were not permitted to argue. Three objections on the part of the prisoner were made to the evidence offered by the managers, but all without success. The instances of similar objections in parliamentary trials of peers on indictments, are too few and too unimportant to require being particularized;—one, that in the case of lord Warwick, has been already stated.

The principles of these precedents do not in the least affect any case of evidence which yours managers had to support. The paucity and inapplicability of instances of this kind, convince your committee that the Lords have ever used some latitude and liberality in all the means of bringing information before them—nor is it easy to conceive, that, as the Lords are, and of right ought to be, judges of law and fact, many cases should occur (except those where a personal *vivâ voce* witness is denied to be competent) in which a judge, possessing an entire judicial capacity, can determine by anticipation what is good evidence, and what not, before he has heard it. When he has heard it of course he will judge what weight it is to have upon his mind, or whether it ought not entirely to be struck out of the proceedings.

Your committee, always protesting, as before, against the admission of any law, foreign or domestic, as of authority in parliament, farther than as written reason, and the opinion of wise and informed men, has examined into the writers on the civil law, ancient and more recent, in order to discover what those rules of evidence, in any sort applicable to criminal cases, were, which were supposed to stand in the way of the trial of offences committed in India. They find that the term evidence, *evidentia*, from whence our's is taken, has a sense different in the Roman law, from what it is understood to bear in the English jurisprudence. The term most nearly answering to it in the Roman, being *probatio*, proof; which, like the term evidence, is a generic term, including every thing by which a doubtful matter may be rendered more certain to the judge; or, as Gilbert expresses it,* every matter is evidence which amounts to the proof of the point in question.

On the general head of evidence or proof your committee finds, that much has been written by persons learned in the Roman law, particularly in modern times, and that many attempts have been made to reduce to rules the principles of evidence or proof, a matter which by its very nature seems incapable of that simplicity, precision, and generality, which are necessary to supply the matter, or to give the form to a rule of law. Much learning has been employed on the doctrine of indications and presumptions in their books; far more than is to be found in our law. Very subtle disquisitions were made, on all matters of jurisprudence in the times of the classical civil law, by the followers of the stoick school.† In the modern school of the same law, the same course was taken by Bartolus, Baldus, and the civilians who fol-

* Gilbert's Law of Evidence, p. 23.

† Gravina, 84, 85.

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lowed them, before the complete revival of literature.* All the discussions to be found in those voluminous writings furnish undoubtedly an useful exercise to the mind, by methodizing the various forms in which one set of facts, or collection of facts, or the qualities or demeanor of persons, reciprocally influence each other; and, by this course of juridical discipline, they add to the readiness and sagacity of those who are called to plead or to judge. But as human affairs and human actions are not of a metaphysical nature, but the subject is concrete, complex, and moral, they cannot be subjected (without exceptions which reduce it almost to nothing) to any certain rule. Their rules with regard to competence were many and strict, and our lawyers have mentioned it to their reproach. "The civilians (it has been observed) differ in nothing more than admitting evidence; for they reject Histriones, &c. and whole tribes of people."† But this extreme rigour as to competency, rejected by our law, is not found to extend to the *genus* of evidence, but only to a particular species—personal witnesses. Indeed, after all their efforts to fix these things by positive and inflexible maxims, the best Roman lawyers in their best ages were obliged to confess, that every case of evidence rather formed its own rule, than that any rule could be adapted to every case, the best opinions however seem to have reduced the admissibility of witnesses to a few heads.—"For if," said Callistratus, in a passage preserved to us in the Digest, "the testimony is free from suspicion, either on account of the quality of the person, namely, that he is in a reputable situation; or for cause," that is to say, that the testimony given is not for reward nor favour, nor for enmity, such a witness is admissible. This first description goes to competence; between which and credit, lord Hardwicke justly says the discrimination is very nice: the other part of the text shows their anxiety to reduce credibility itself to a fixed rule. It proceeds therefore, "His sacred majesty, Hadrian, issued a rescript to Vivius Varus, lieutenant of Cilicia, to this effect, that he who sits in judgment is the most capable of determining what credit is to be given to witnesses." The words of the letter of rescript are as follow: "You ought best to know what credit is to be given to witnesses,—who, and of what dignity, and of what estimation they are, whether they seem to deliver their evidence with simplicity and candour—whether they seem to bring a formed and premeditated discourse—or whether on the spot they give probable matter in answer to the questions that are put to them." And there remains a rescript of the same prince to Valerius Varus on the bringing out the credit of witnesses. This appears to go more to the general principles of evidence. It is in these words: "What evidence, and in what measure or degree, shall amount to proof in each case, can be defined in no manner whatsoever that is sufficiently certain. For though not always, yet frequently, the truth of the affair may appear without any matter of public record.—In some cases, the number of the witnesses, in others their dignity and authority, is to be weighed; in others concurring public fame tends to confirm the credit of the evidence in question. This alone I am able, and in a few words, to give you as my determination, that you ought not too readily to bind yourself to try the cause upon any one description of evidence; but you are to estimate by your own discretion what you ought to credit, or what appears to you not to be established by proof sufficient."*

The modern writers on the civil law have likewise much matter on this subject, and have introduced a strictness, with regard to personal testimony, which our particular jurisprudence has not thought it at all proper to adopt. In others we have copied them more closely. They divide evidence into two parts, in which they do not differ from the ancients. 1st, What is evidence, or proof by itself? 2dly, What is presumption, "which is a probable conjecture from a reference to something which, coming from marks and tokens ascertained shall be taken for truth, until some other shall be adduced? Again, they have laboured particularly to fix rules for presumptions, which they divide into, 1. Violent and necessary.—2. Probable.—3. and lastly, slight and rash. But, finding that this head of presumptive evidence (which, makes so large a part with them and with us in the trial of all causes, and particularly criminal causes) extremely difficult to ascertain, either with regard to what shall be considered as exclusively creating any of these three degrees of presumption, or what facts, and how proved,—and what marks and tokens may serve to establish them,—even those civilians, whose character it is to be subtle to a fault, have been obliged to abandon the task—and have fairly confessed, that the labours of writers to fix rules for these matters have been vain and fruitless.† One of the most able of them has said, "That the doctors of the law have written nothing of value concerning presumptions,—nor is the subject-matter such as to be reduced within the prescribed limit of any certain rules. In truth, it is from the actual existing case, and from the circumstances of the persons, and of the business, that we ought (under the guidance of an incorrupt judgment of the mind, which is called an equitable discretion) to determine what presumptions or conjectural proofs are to be admitted as rational, or rejected as false, or on which the understanding

* Gravina, 90, usque ad 100.

† Atkyns Rep. Omichund versus Barker Vol. 1, p. 37.

* Digest. L. 22. Tit. 5.
Calvinus Voce "Præsumptio."

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can pronounce nothing either the one way or the other."*

It is certain, that whatever over-strictness is to be found in the older writers on this law, with regard to evidence, it chiefly related to the mere competency of witnesses; yet even here the rigour of the Roman lawyers relaxed on the necessity of the case. Persons who kept houses of ill fame were with them incompetent witnesses; yet among the maxims of that law, the rule is well known of, *Testes Lupanares in re Lupanari.* In ordinary cases, they require two witnesses to prove a fact; and therefore they held, "that if there be but one witness, and no probable grounds of presumption of some kind *(nulla argumenta)* that one witness is by no means to be heard; and it is not inelegantly said in that case, "the failure is not in the law but in the proof." *Non jus deficit sed Probatio.* But if other grounds of presumption appear, one witness is to be heard; "for it is not necessary that one crime should be established by one sort of proof only, as by witnesses, or by documents, or by presumptions; all the modes of evidence may be so conjoined, that where none of them alone would affect the prisoner, all the various concurrent proofs should overpower him, like a storm of hail." This is held particularly true, in cases where crimes are secret, and detection difficult.

The necessity of detecting and punishing such crimes superseded, in the soundest authors, this theoretic aim at perfection, and obliged technical science to submit to practical expedience. *In re criminali*, said the rigorists, *Probationes debent esse evidentes et luce meridianâ clariores;* and so undoubtedly it is in offences which admit such proof. But reflection taught them, that even their favourite rules of incompetence must give way to the exigencies of distributive justice. One of the best modern writers on the imperial criminal law, particularly as practised in Saxony (Carpzovius), says, "This alone I think it proper to remark, that even incompetent witnesses are sometimes admitted, if otherwise the truth cannot be got at; and this particularly in facts and crimes which are of difficult proof;"—and for this doctrine, he cites Farinacius, Mascardus, and other eminent civilians who had written on evidence.

He proceeds afterwards; "however, this is to be taken with a caution, that the impossibility of otherwise discovering the truth, is not construed from hence, that other witnesses were not actually concerned, but that from the nature of the crime, or from regard had to the place and time, other witnesses could not be present."

Many other passages from the same authority, and from others to a similar effect, might be added: we shall only remark shortly that Gaill,† a writer on the practice of that law, the most frequently cited in our own courts, gives the rule more in the form of a maxim: "That the law is contented with such proof as can be made, if the subject in its nature is difficult of proof." And the same writer, in another passage, refers to another still more general maxim (and a sound maxim it is) that the power and means of proof ought not to be narrowed but enlarged, that the truth may not be concealed:—*Probationum facultas non angustari, sed ampliari debeat, ne veritas occultetur.*†

On the whole, your committee can find nothing in the writings of the learned in this law, any more than they could discover any thing in the law of parliament to support any one of the determinations given by the judges, and adopted by the Lords, against the evidence which your committee offered, whether direct and positive, or merely (as for the greater part it was) circumstantial, and produced as a ground to form legitimate presumption against the defendant: nor, if they were to admit (which they do not) this civil law to be of authority in furnishing any rule in an impeachment of the Commons, more than as it may occasionally furnish a principle of reason on a new or undetermined point, do they find any rule or any principle derived from that law, which could or ought to have made us keep back the evidence which we offered. On the contrary, we rather think those rules and principles to be in agreement with our conduct.

As to the canon law, your committee, finding it to have adopted the civil law with no very essential variation, does not feel it necessary to make any particular statement on that subject.

Your committee then came to examine into the authorities in the English law, both as it has prevailed for many years back, and as it has been recently received in our courts below. They found on the whole the rules rather less strict, more liberal, and less loaded with positive limitations than in the Roman law. The origin of this latitude may perhaps be sought in this circumstance, which we know to have relaxed the rigour of the Roman law—courts in England do not judge upon evidence, *secundum allegata et probata*, as in other countries, and under other laws they do, but upon verdict. By a fiction of law, they consider the jury as supplying in some sense the place of testimony. One witness (and for that reason) is allowed sufficient to convict, in cases of felony, which in other laws is not permitted.

In ancient times it has happened to the law of England (as in pleading, so in matter of evidence), that a rigid strictness in the application of technical rules has been more observed than at present it is. In the more early ages, as the minds of the judges were in general less conversant in the affairs of the

* Bartolus.

† Lib. 2. Obs. 149. § 9.

† Gaill. Lib 1. Obs. 91. § 7.

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world, as the sphere of their jurisdiction was less extensive, and as the matters which came before them were of less variety and complexity, the rule being in general right, not so much inconvenience on the whole was found from a literal adherence to it, as from an endeavour towards a liberal and equitable departure, for which further experience, and a more continued cultivation of equity as a science, had not then so fully prepared them. In those times, that judicial policy was not to be condemned. We find too that, probably from the same cause, most of their doctrine leaned towards the restriction; and the old lawyers being bred, according to the then philosophy of the schools, in habits of great subtlety and refinement of distinction, and having once taken that bent, very great acuteness of mind was displayed in maintaining every rule, every maxim, every presumption of law creation, and every fiction of law, with a punctilious exactness; and this seems to have been the course which laws have taken in every nation.*

It was probably from this rigour, and from a sense of its pressure, that, at an early period of our law, far more causes of criminal jurisdiction were carried into the House of Lords, and the council board, where laymen were judges, than can or ought to be at present.

As the business of courts of equity became more enlarged and more methodical; as magistrates, for a long series of years, presided in the court of chancery, who were not bred to the common law; as commerce, with its advantages and its necessities, opened a communication more largely with other countries; as the law of nature and nations (always a part of the law of England) came to be cultivated; as an increasing empire; as new views and new combinations of things were opened, this antique rigour and over-done severity gave way to the accommodation of human concerns, for which rules were made, and not human concerns to bend to them.

At length, lord Hardwicke, in one of the cases† the most solemnly argued that has been in man's memory, with the aid of the greatest learning at the bar, and with the aid of all the learning on the bench, both bench and bar being then supplied with men of the first form, declared from the bench, and in concurrence with the rest of the judges, and with the most learned of the long robe, the able counsel on the side of the old restrictive principles making no reclamation—

"That the judges and sages of the law have laid it down, that there is but ONE general rule of evidence—the best that the nature of the case will admit." This, then, the master rule that governs all the subordinate rules, does in reality subject itself and its own virtue and authority to the nature of the case; and leaves no rule at all of an independent, abstract, and substantive quality.

Sir Dudley Ryder (then attorney-general, afterwards chief justice), in his learned argument, observed, that "It is extremely proper that there should be some general rules in relation to evidence; but, if exceptions were not allowed to them, it would be better to demolish all the general rules. There is no general rule without exception that we know of, but this, that the best evidence shall be admitted which the nature of the case will afford. I will show that rules, as general as this, are broke in upon, for the sake of allowing evidence. There is no rule that seems more binding, than that a man shall not be admitted an evidence in his own case, and yet the statute of hue and cry is an exception. A man's books are allowed to be evidence, or, which is in substance the same, his servant's books, because the nature of the case requires it; as in the case of a brewer's servants. Another general rule, that a wife cannot be witness against her husband, has been broken in upon in cases of treason. Another exception to the general rule, that a man may not be examined without oath; the last words of a dying man are given in evidence in the case of murder." Such are the doctrines of this great lawyer.

Chief justice Willes concurs with lord Hardwicke as to dispensing with strict rules of evidence. "Such evidence is to be admitted as the necessity of the case will allow of; as, for instance, a marriage at Utrecht, certified under the seal of the minister there, and of the said town, and that they cohabited together as man and wife, was held to be sufficient proof that they were married." This learned judge (commenting upon lord Coke's doctrine, and serjeant Hawkins after him, that the oaths of Jews and Pagans were not to be taken), says, "That this notion, though advanced by so great a man, is contrary to religion, common sense, and common humanity; and I think the devils, to whom he has delivered them, could not have suggested any thing worse." Chief justice Willes admitting lord Coke to be a great lawyer, then proceeds in very strong terms, and with marks of contempt, to condemn "his narrow notions;" and he treats with as little respect or decorum the ancient authorities referred to in defence of such notions.

The principle of the departure from those rules is clearly fixed by lord Hardwicke; he lays it down as follows: "The first ground judges have gone upon in departing from

* Antiqua jurisprudentia aspera quidem illa, tenebricosa, et tristis, non tam in æquitate, quam in verborum superstitione fundata, eaque Ciceronis ætatem fere attigit, mansitque annos circiter 350. Quæ hanc excepit, viguitque annos fere 79, superiori longe humanior; quippe quæ magis utilitate communi, quam potestate verborum, negotia moderaretur. *Gravina*, p. 86.

† Omichund *v.* Barker, Atk. 1.

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strict rules is, absolute strict necessity. 2dly. A presumed necessity." Of the first he gives these instances: "In the case of writings subscribed by witnesses, if all are dead, the proof of one of their hands is sufficient to establish the deed. Where an original is lost a copy may be admitted; if no copy, then a proof by witnesses who have heard the deed; and yet it is a thing the law abhors, to admit the memory of man for evidence."

This enlargement through two stages of proof, both of them contrary to the rule of law, and both abhorrent from its principles, are by this great judge accumulated upon one another, and are admitted, from necessity to accommodate human affairs, and to prevent that which courts are, by every possible means, instituted to prevent—a failure of justice. And this necessity is not confined within the strict limits of physical causes, but is more lax, and takes in moral, and even presumed and argumentative necessity; a necessity which is, in fact, nothing more than a great degree of expediency. The law creates a fictitious necessity against the rules of evidence in favour of the convenience of trade: an exception which, on a similar principle, had before been admitted in the civil law, as to mercantile causes, in which the books of the party were received, to give full effect to an insufficient degree of proof, called, in the nicety of their distinctions, a *semiplena probatio.**

But to proceed with lord Hardwicke;—he observes, that "a tradesman's books (that is, the acts of the party interested himself) are admitted as evidence, though no absolute necessity, but by reason of a presumption of necessity only inferred from the nature of commerce. "No rule," continued lord Hardwicke, "can be more settled, than that testimony is not to be received but upon oath;" but he lays it down, that an oath itself may be dispensed with. "There is another instance," says he, "where the lawful oath may be dispensed with, where our courts admit evidence for the crown without oath." In the same discussion the chief baron (Parker) cited cases, in which all the rules of evidence had given way. "There is not a more general rule," says he, "than that hearsay cannot be admitted, nor husband and wife as witnesses against each other; and yet it is notorious, that from necessity they have been allowed; not an absolute necessity, but a moral one.

It is farther remarkable, in this judicial argument, that exceptions are allowed not only to rules of evidence, but that the rules of evidence themselves are not altogether the same, where the subject-matter varies. The judges have, to facilitate justice, and to favour commerce, even adopted the rules of foreign laws. —They have taken for granted, and would not suffer to be questioned, the regularity and justice of the proceedings of foreign courts, and they have admitted them as evidence not only of the fact of the decision, but of the right as to its legality—where there are foreign parties interested, and in "commercial matters, the rules of evidence are not quite the same as in other instances in courts of justice. The case of hue and cry, Brownlow, 47, a feme covert is not a lawful witness against her husband, except in cases of treason, but has been admitted in civil cases.* The testimony of a public notary is evidence by the law of France; contracts are made before a public notary, and no other witness necessary. I should think it would be no doubt at all, if it came in question here, whether this would be a valid contract; but a testimony from persons of that credit and reputation would be received as a very good proof in foreign transactions, and would authenticate the contract." Cro. Charl. 365.

These cases show, that courts always govern themselves by these rules in cases of foreign transactions. To this principle lord Hardwicke accords; and enlarging the rule of evidence by the nature of the subject, and the exigences of the case, he lays it down, "that it is a common and natural presumption, that persons of the Gentoo religion should be principally apprized of facts and transactions in their own country. As the English have only a factory in this country, for it is in the empire of the great Mogul, if we should admit this evidence (Gentoo evidence on a Gentoo oath), it would be agreeable to the genius of the law of England." For this he cites the proceedings of our court of admiralty, and adopts the author, who states the precedent, "That this Court will give credit to the sentence of the court of admiralty in France, and take it to be according to right, and will not examine their proceedings; for it would be found very inconvenient if one kingdom should, by peculiar laws, correct the judgments and proceedings of another kingdom."

Such is the genius of the law of England, that these two principles of the general moral necessities of things, and the nature of the case, over-rule every other principle, even those rules which seem the very strongest.

Chief Baron Parker, in answer to an objection made against the infidel deponent, "That the plaintiff ought to have shewn that he could not have the evidence of Christians." "I answer (said the chief baron), that, repugnant to natural justice, in the statute of hue and cry, the robber is admitted to be witness of the robbery, as a moral or presumed necessity is sufficient." The same learned magistrate, pursuing his argument in favour of liberality in opening and enlarging the

* Gaill. Lib. 2, Obs. 20. § 5.

* N. B. In some criminal cases also, though not of treason, husband is admitted to prove an assault upon his wife, for the king, ruled by Raymond, chief justice, Trin. 11th Geo. king *v.* Azire. And for various other exceptions. See Buller's Nisi Prius, 286, 287.

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avenues to justice, does not admit "that the authority of one or two cases" is valid against reason, equity, and convenience, the vital principles of the law. He cites Wells versus Williams, 1 Raymond, 282. to show that the necessity of trade has mollified the too rigorous rules of the old law, in their restraint and discouragement of aliens. "A Jew may sue at this day, but heretofore he could not, for then they were looked upon as enemies, but now commerce has taught the world more humanity; and therefore held that an alien enemy, commorant here by the licence of the king, and under his protection, may maintain a debt upon a bond, though he did not come with safe conduct."

So far Parker, concurring with Raymond.—He proceeds, "It was objected by the defendant's counsel, that this is a novelty, and that what never has been done ought not to be done. The answer is, the law of England is not confined to particular cases, but is much more governed by reason than by any one case whatever. The true rule is laid down by lord Vaughan, fol. 37, 38; where the law, saith he, is known and clear, the judges must determine as the law is, without regard to the inequitableness or inconveniency. These defects, if they happen in the law, can only be remedied by parliament; but where the law is doubtful and not clear, the judges ought to interpret the law to be as is most consonant to equity, and what is least inconvenient."

These principles of equity, convenience, and natural reason, lord chief justice Lee considered in the same ruling light, not only as guides in matter of interpretation concerning law in general, but, in particular, as controllers of the whole law of evidence, which being artificial, and made for convenience, is to be governed by that convenience for which it is made, and is to be wholly subservient to the stable principles of substantial justice. "I do apprehend," said that chief justice, "that the rules of evidence are to be considered as artificial rules, framed by men for convenience in courts of justice. This is a case that ought to be looked upon in that light: and I take it, that considering evidence in this way, (viz. according to natural justice,) is agreeable to the genius of the law of England."

The sentiments of Murray, then solicitor-general, afterwards lord Mansfield, are of no small weight in themselves, and they are authority by being judicially adopted. His ideas go to the growing melioration of the law, by making its liberality keep pace with the demands of justice, and the actual concerns of the world; not restricting the infinitely diversified occasions of men, and the rules of natural justice, within artificial circumscriptions, but conforming our jurisprudence to the growth of our commerce and of our empire. This enlargement of our concerns, in the year 1744, he appears almost to have foreseen, and he lived to behold it. "The arguments on the other side," said that great light of the law, (that is, arguments against admitting the testimony in question from the novelty of the case,) "prove nothing. Does it follow from thence, that no witnesses can be examined in a case that never specifically existed before? or that an action cannot be brought in a case that never happened before? Reason (being stated to be the first ground of all laws, by the author of the book called Doctor and Student) must determine the case. Therefore the only question is, whether upon principles of reason, justice, and convenience, this witness be admissible?

"Cases in law depend upon the occasions which gave rise to them. All occasions do not arise at once: now a particular species of Indians appears; hereafter another species of Indians may arise.* A statute can seldom take in all cases; therefore the common law, that works itself pure by rules drawn from the fountain of justice, is for this reason superior to an act of parliament."

From the period of this great judgment to the trial of Warren Hastings, esq. the law has gone on continually working itself pure (to use lord Mansfield's expression), by rules drawn from the fountain of justice. "General rules," said the same person when he sat upon the bench,† "are wisely established for attaining justice with ease, certainty, and dispatch. But the great end of them being to do justice, the court will see that it be really obtained. The courts have been more liberal of late years, in their determinations, and have more endeavoured to attend to the real justice of the case than formerly."

On another occasion, of a proposition for setting aside a verdict, he said, "This seems to be the true way to come at justice, and what we therefore ought to do; for the true text is, Boni judicis est ampliari justitiam (not jurisdictionem, as has been often cited)." In conformity to this principle, the supposed rules of evidence have in late times and judgments, instead of being drawn to a greater degree of strictness, been greatly relaxed.‡

"All evidence is according to the subject matter to which it is applied. There is a great deal of difference between length of time that operates as a bar to a claim, and that which is used only by way of evidence.—Length of time, used merely by way of evidence, may be left to the consideration of the jury, to be credited or not, or to draw their inferences one way or the other, according to circumstances.—I do not know an instance in which proof may not be supplied."||

In all cases of evidence lord Mansfield's maxim was, to lean to admissibility, leaving the objections which were made to compe-

* Omichund *v.* Barker, 1 Atkyns, *ut supra.*

† Burrow, Vol. 1. p. 301. Rex *v.* Philips, p. 302, 304, 306.

‡ Wyndham *v.* Chetwynd, 1 Burrow, 414.

|| Cowper's Reports, 109. Mayor of Hu *v.* Horner.

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tency, to go to credit, and to be weighed in the minds of the jury, after they had heard it.—In objections to wills, and to the testimony of witnesses to them, he thought "it clear that the judges ought to lean against objections to the formality."*

Lord Hardwicke had before declared, with great truth, "that the boundaries of what goes to the credit, and what to the competency, are very nice, and the latter carried too far; and in the same case he said, "that unless the objection appeared to him to carry a strong danger of perjury, and some apparent advantage might accrue to the witness, he was always inclined to let it go to his credit, only in order to let in a proper light to the case, which would otherwise be shut out; and in a doubtful case, he said, it was generally his custom to admit the evidence, and give such directions to the jury as the nature of the case might require."†

It is a known rule of evidence, that an interest in the matter to be supported by testimony disqualifies a witness; yet lord Mansfield held, "that nice objections to a remote interest, which could not be paid or released, (though they held in other cases), were not allowed to disqualify a witness to a will, as parishioners might have a devise to the use of the poor of the parish for ever." He went still nearer, and his doctrine tends so fully to settle the principles of departure from, or adherence to, rules of evidence, that your committee inserts part of the argument at large. "The disability of a witness from interest is very different from a positive incapacity. If a deed must be acknowledged before a judge or notary public, every other person is under a positive incapacity to authenticate it; but objections of interest are deductions from natural reason, and proceed upon a presumption of too great a bias in the mind of the witness, and the public utility of rejecting partial testimony. Presumptions stand no longer than till the contrary is proved. The presumption of bias may be taken off by showing the witness has a great or a greater interest the other way, or that he has given it up. The presumption of public utility may be answered, by showing that it would be very inconvenient, under the particular circumstances, not to receive such testimony. "Therefore, from the course of business, necessity, and other reasons of expedience, numberless exceptions are allowed to the general rule."‡

These being the principles of the latter jurisprudence, the judges have suffered no positive rule of evidence to counteract those principles || They have even suffered subscribing witnesses to a will, which recites the soundness of mind in the testator, to be examined to prove his insanity, and then the court received evidence to overturn that testimony, and to destroy the credit of those witnesses. They were five in number, who attested to a will and codicil. They were admitted to annul the will they had themselves attested. Objections were taken to the competency of one of the witnesses in support of the will against its subscribing witnesses. 1st, That the witness was an executor in trust, and so liable to actions. 2dly, As having acted under the trust, whereby if the will were set aside, he would be liable to answer for damages incurred by the sale of the deceased's chambers to a Mr. Frederick. Mr. Frederick offered to submit to a rule to release for the sake of public justice. Those who maintained the objection cited Siderfin, a reporter of much authority, 51. 115. and 1 Keble, 134. Lord Mansfield, chief justice, did not controvert those authorities; but in the course of obtaining substantial justice, he treated both of them with equal contempt, though determined by judges of high reputation. His words are remarkable: "We do not now sit here to take our rules of evidence from Siderfin and Keble." He over-ruled the objection upon more recent authorities, which, though not in similar circumstances, he considered as within the reason. The court did not think it necessary that the witness should release, as he had offered to do. "It appeared on this trial (says Justice Blackstone), that a black conspiracy was formed to set aside the gentleman's will, without any foundation whatever." A prosecution against three of the testamentary witnesses was recommended, who were afterwards convicted of perjury. Had strict formalities, with regard to evidence been adhered to in any part of this proceeding, that very black conspiracy would have succeeded, and those black conspirators, instead of receiving the punishment of their crimes, would have enjoyed the reward of their perjury.

Lord Mansfield, it seems, had been misled in a certain case with regard to precedents.* His opinion was against the reason and equity of the supposed practice, but he supposed himself not at liberty to give way to his own wishes and opinions. On discovering his error, he considered himself as freed from an intolerable burthen, and hastened to undo his former determination. "There are no precedents," said he, with some exultation, "which stand in the way of our determining liberally equitably, and according to the true intention of the parties." In the same case, his learned assessor, Justice Wilmot, felt the same sentiments. His expressions are remarkable: "Courts of law ought to concur with courts of equity in the execution of those powers which are very convenient to be inserted in settlements; and they ought not to listen to nice

* Abrahams *v.* Bunn, p. 2254. The whole case is well worth reading.

† King *v.* Bray.

‡ Wyndham *v.* Chetwynd.

|| Lowe *v.* Joliffe. 1 Black. J. p. 366.

* Burrow, 1147. Zouch *ex dimiss.* Woolston *v.* Woolston.

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distinctions that savour of the schools, but to be guided by true good sense and manly reason. After the statute of uses, it is much to be lamented that the courts of common law had not adopted all the rules and maxims of courts of equity. This would have prevented the absurdity of receiving costs in one court, and paying them in another." Your committee does not produce the doctrine of this particular case as directly applicable to their charge, no more than several of the others here cited. We do not know on what precedents or principles the evidence proposed by us has been deemed inadmissible by the judges; therefore against the grounds of this rejection we find it difficult directly to oppose any thing. These precedents, and these doctrines, are brought to show the general temper of the courts, their growing liberality, and the general tendency of all their reasonings and all their determinations to set aside all such technical subtleties or formal rules, which might stand in the way of the discovery of truth, and the attainment of justice.—The cases are adduced for the principles they contain.

The period of the cases and arguments we have cited was that in which large and liberal principles of evidence were more declared and more regularly brought into system. But they had been gradually improving; and there are few principles of the later decisions which are not to be found in determinations on cases prior to the time we refer to. Not to overdo this matter, and yet to bring it with some degree of clearness before the House, your committee will refer but to a few authorities, and those which seem most immediately to relate to the nature of the cause entrusted to them. In Michaelmas, 11 W. 3rd. The King *v.* the Warden of the Fleet,—a witness, who had really been a prisoner, and voluntarily suffered to escape, was produced to prove the escape. To the witness it was objected, that he had given a bond to be a true prisoner: which he had forfeited, by escaping, besides he had been retaken. His testimony was allowed; and by the court, among other things it was said, in secret transactions, if any of the parties concerned are not to be, for the necessity of the third, admitted as evidence, it will be impossible to detect the practice; as in cases of the statute of hue and cry the party robbed shall be a witness to charge the hundred; and in the case of Cooke *v.* Watts in the exchequer, where one who had been prejudiced by the will was admitted an evidence to prove it forged.* So in the case of King *v.* Harris,† where a feme covert was admitted as a witness for fraudulently drawing her in, when sole, to give a warrant of attorney for confessing a judgment on an unlawful consideration, whereby execution was sued out against her husband; and Holt, chief justice, held, that a feme covert could not, by law, be a witness to convict one on an information; yet, in lord Audley's case, it being a rape on her person,' she was received to give evidence against him, and the court concurred with him, because it was the best evidence the nature of the thing would allow.

This decision of Holt refers to others more early, and all on the same principle; and it is not of this day that this one great principle of eminent public expedience, this moral necessity* "that crimes should not escape with impunity," has in all cases overborne all the common juridical rules of evidence—it has even prevailed over the first and most natural construction of acts of parliament, and that in matters of so penal a nature as high treason. It is known that statutes made, not to open and enlarge, but on fair grounds to straiten proofs, require two witnesses in cases of high treason. So it was understood without dispute, and without distinction, until the argument of a case in the high court of justice, during the usurpation: it was the case of the presbyterian minister, Love, tried for high treason, against the commonwealth, in an attempt to restore the king. In this trial, it was contended for and admitted, that one witness to one overt act, and one to another overt act of the same treason, ought to be deemed sufficient.†

That precedent, though furnished in times from which precedents were cautiously drawn, was received as authority throughout the whole reign of Charles 2d. It was equally followed after the Revolution: and at this day it is undoubted law. It is not so from the natural or technical rules of construction of the act of parliament, but from the principles of juridical policy. All the judges who have ruled it, all the writers who have written upon it, assign this reason, and this only—That treasons being plotted in secresy, could in few cases be otherwise brought to punishment.

The same principle of policy has dictated a principle of relaxation, with regard to severe rules of evidence, in all cases similar, though of a lower order in the scale of criminality. It is against fundamental maxims that an accomplice should be admitted as a witness; but accomplices are admitted from the policy of justice, otherwise confederacies of crime could not be dissolved. There is no rule more solid than that a man shall not entitle himself to profit by his own testimony. But an informer, in case of highway robbery, may obtain forty pounds to his own profit by his own evidence: this is not in consequence of positive provision in the act of parliament.—

* In this single point Holt did not concur with the rest of the judges.

† 1st Siderfin, p. 431.

* Interest Reipublicæ ut maleficia ne remaneant impunita.

† Love's trial, State Trials, Vol. 2, p. 144. 171 to 173, and 177 [Howell's S. Tr. Vol. 5, p. 177. 236. 241. 249.], and Foster's Crown Law, p. 235.

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it is a provision of policy, lest the purpose of the act should be defeated. Now, if policy has dictated this very large construction of an act of parliament, concerning high treason; if the same policy has dictated exceptions to the clearest and broadest rules of evidence, in other highly penal causes; and if all this latitude is taken concerning matters for the greater part within our insular bounds; your committee could not, with safety to the larger and more remedial justice of the law of parliament, admit any rules, or pretended rules, uncorrected and uncontrolled by circumstances, to prevail in a trial, which regarded offences of a nature as difficult of detection, and committed far from the sphere of the ordinary practice of our courts.

If any thing of an over-formal strictness is introduced into the trial of Warren Hastings, esq. it does not seem to be copied from the decisions of these tribunals. It is with great satisfaction your committee has found, that the reproach of "disgraceful subtleties," inferior rules of evidence, which prevent the discovery of truth, of forms, and modes of proceeding, which stand in the way of that justice, the forwarding of which is the sole rational object of their invention, cannot fairly be imputed to the common law of England, or to the ordinary practice of the courts below.

Circumstantial Evidence, &c.

The rules of evidence in civil and in criminal cases, in law and in equity, being only reason methodized, are certainly the same. Your committee however finds, that the far greater part of the law of evidence to be found in our books turns upon questions relative to civil concerns. Civil cases regard property: now, although property itself is not, yet almost every thing concerning property, and all its modifications, is of artificial contrivance. The rules concerning it become more positive, as connected with positive institution. The legislator therefore always, the jurist frequently, may ordain certain methods, by which alone they will suffer such matters to be known and established, because their very essence, for the greater part, depends on the arbitrary conventions of men. Men act on them with all the power of a creator over his creature. They make fictions of law, and presumptions of law *(presumptiones juris et de jure)* according to their ideas of utility—and against those fictions and against presumptions so created, they do and may reject all evidence. However, even in these cases, there is some restraint. Lord Mansfield has let in a liberal spirit, against the fictions of law themselves; and he declared, that he would do what in one case he actually did, and most wisely—that he would admit evidence against a fiction of law, when the fiction militated against the policy on which it was made.*

* Burrow, 815. Copendal *v.* Bridgen.

Thus it is with things which owe their existence to men: but where the subject is of a physical nature, or of a moral nature independent of their conventions, men have no other reasonable authority, than to register and digest the results of experience and observation. Crimes are the actions of physical beings, with an evil intention abusing their physical powers against justice, and to the detriment of society. In this case fictions of law and artificial presumptions *(juris et de jure)* have little or no place. The presumptions which belong to criminal cases are those natural and popular presumptions which are only observations turned into maxims, like adages and apophthegms, and are admitted (when their grounds are established) in the place of proof, where better is wanting, but are to be always overturned by counter proof.

These presumptions mostly go to the intention. In all criminal cases, the crime (except where the law itself implies malice) consists rather in the intention than the action. Now, the intention is proved but by two ways; either, 1st, by confession—this first case is rare but simple;—2dly, by circumstantial proof. This is difficult, and requires care and pains: the connexion of the intention and the circumstances is plainly of such a nature as more to depend on the sagacity of the observer, than on the excellence of any rule. The pains taken by the civilians on that subject, have not been very fruitful; and the English law writers have, perhaps, as wisely, in a manner, abandoned the pursuit.

In truth, it seems a wild attempt to lay down any rule for the proof of intention by circumstantial evidence; all the acts of the party; all things that explain or throw light on these acts; all the acts of others relative to the affair, that come to his knowledge, and may influence him; his friendships and enmities, his promises, his threats, the truth of his discourses, the falsehood of his apologies, pretences, and explanations, his looks, his speech; his silence where he was called to speak; every thing which tends to establish the connexion between all these particulars;—every circumstance, precedent, concomitant, and subsequent, become parts of circumstantial evidence. These are in their nature infinite, and cannot be comprehended within any rule, or brought under any classification.

Now, as the force of that presumptive and conjectural proof, rarely, if ever, depends on one fact only, but is collected from the number and accumulation of circumstances concurrent in one point, we do not find an instance, until this trial of Warren Hastings, esq. (which has produced many novelties), that attempts have been made by any court to call on the prosecutor for an account of the purpose for which he means to produce each particle of this circumstantial evidence, to take up the circumstances one by one, to

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prejudge the efficacy of each matter separately in proving the point; and thus to break to pieces and to garble those facts, upon the multitude of which, their combination, and the relation of all their component parts to each other and to the culprit, the whole force the virtue of this evidence depends. To do any thing which can destroy this collective effect is to deny circumstantial evidence.

Your committee too cannot but express their surprise, at the particular period of the present trial, when the attempts to which we have alluded first began to be made. The two first great branches of the accusation of this House against Warren Hastings, esq. relate to public and notorious acts, capable of direct proof; such as the expulsion of Cheit Sing, with its consequences on the province of Benares, and the seizure of the treasures and jaghires of the begums of Oude. Yet, in the proof of those crimes, your committee cannot justly complain, that we were very narrowly circumscribed in the production of much circumstantial as well as positive evidence. We did not find any serious resistance on this head, till we came to make good our charges of secret crimes; crimes of a class and description, in the proof of which all judges of all countries have found it necessary to relax almost all their rules of competency; such crimes as peculation, pecuniary frauds, extortion, and bribery. Eight out of nine of the questions put to the judges by the Lords, in the first stage of the prosecution, related to circumstances offered in proof of these secret crimes.

Much industry and art have been used, among the illiterate and unexperienced, to throw imputations on this prosecution, and its conduct, because so great a proportion of the evidence offered on this trial (especially on the latter charges) has been circumstantial. Against the prejudices of the ignorant, your committee opposes the judgment of the learned. It is known to them that, when this proof is in its greatest perfection, that is, when it is most abundant in circumstances, it is much superior to positive proof; and for this we have the authority of the learned judge who presided at the trial of captain Donellan: "On the part of the prosecution, a great deal of evidence has been laid before you. It is all circumstantial evidence, and in its nature it must be so; for, in cases of this sort, no man is weak enough to commit the act in the presence of other persons, or to suffer them to see what he does at the time; and therefore it can only be made out by circumstances, either before the committing of the act, at the time when it was committed, or subsequent to it; and a presumption, which necessarily arises from circumstances, is very often more convincing and more satisfactory than any other kind of evidence, because it is not within the reach and compass of human abilities to invent a train of circumstances which shall be so connected together as to amount to a proof of guilt, without affording opportunities of contradicting a great part, if not all, of these circumstances. But if the circumstances are such as, when laid together, bring conviction to your minds, it is then fully equal, if not, as I told you before, more convincing than positive evidence." In the trial of Donellan no such selection was used as we have lately experienced; no limitation to the production of every matter, before, at, and after the fact charged.

The trial was (as we conceive) rightly conducted by the learned judge,—because secret crimes, such as secret assassination, poisoning, bribery, peculation and extortion (the three last of which this House has charged upon Mr. Hastings), can very rarely be proved in any other way. That way of proof is made to give satisfaction to a searching, equitable, and intelligent mind, and there must not be a failure of justice. Lord Mansfield has said that he did not know a case, in which proof might not be supplied [vide supra].

Your committee has resorted to the trial of Donellan; and they have and do much rely upon it, first, on account of the known learning and ability of the judge who tried the cause, and the particular attention he has paid to the subject of evidence, which forms a book in his treatise on Nisi Prius. Next, because, as the trial went wholly on circumstantial evidence, the proceedings in it furnish some of the most complete and the fullest examples on that subject. 3dly, Because the case is recent; and the law cannot be supposed to be materially altered since the time of that event. Comparing the proceedings on that trial, and the doctrines from the bench, with the doctrines we have heard from the woolsack, your committee cannot comprehend how they can be reconciled. For the Lords compelled the managers to declare for what purpose they produced each separate member of their circumstantial evidence; a thing, as we conceive, not usual, and particularly not observed in the trial of Donellan. We have observed in that trial, and in most others which we have had occasion to resort to, that the prosecutor is suffered to proceed narratively and historically, without interruption. If indeed it appears on the face of the narration, that what is represented to have been said, written, or done, did not come to the knowledge of the prisoner, a question sometimes, but rarely, has been asked, whether the prisoner could be affected with the knowledge of it. When a connexion with the person of the prisoner has been in any way shown, or even promised to be shown, the evidence is allowed to go on without further opposition. The sending of a sealed letter, the receipt of a sealed letter inferred from the delivery to the prisoner's servant, the bare possession of a paper written by any other person, on the presumption that the contents of such letters, or such papers, were known to the prisoner; and the being

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present when any thing was said or done, on the presumption of his seeing or hearing what passed, have been respectively ruled to be sufficient. If, on the other hand, no circumstance of connexion has been proved, the judge, in summing up, has directed the jury to pay no regard to a letter or conversation, the proof of which has so failed,—a course much less liable to inconvenience, where the same persons decide both the law and the fact.*

To illustrate the difficulties to which your committee was subjected on this head, we think it sufficient to submit to the House (reserving a more full discussion of this important point to another occasion) the following short statement of an incident which occurred in this trial.

By an express order of the court of directors (to which by the express words of the act of parliament under which he held his office, he was ordered to yield obedience) Mr. Hastings and his colleagues were directed to make an inquiry into all offences of bribery and corruption in office.—On the 11th of March a charge, in writing, of bribery and corruption in office was brought against himself. On the 13th of the same month, the accuser, a man of high rank, the rajah Nundcomar, appears personally before the council to make good his charge against Mr. Hastings, before his own face. Mr. Hastings thereon fell into a very intemperate heat, obstinately refused to be present at the examination, attempted to dissolve the council, and contumaciously retired from it. Three of the other members, a majority of the council, in execution of their duty, and in obedience to the orders received under the act of parliament, proceeded to take the evidence, which is very minute and particular, and was entered in the records of the council by the regular official secretary. It was afterwards read in Mr. Hastings's own presence, and by him transmitted, under his own signature, to the court of directors. A separate letter was also written by him, about the same time, desiring, on his part, that in any inquiry into his conduct "not a single word should escape observation."

This proceeding in the council, your committee in its natural order, and in a narrative chain of circumstantial proof offered in evidence.—It was not permitted to be read—and on the 20th and 21st of May 1789, we were told from the woolsack, "that when a paper is not evidence by itself" (such this part of the consultation it seems was reputed) "a party who wishes to introduce a paper of that kind is called upon not only to state, but to make out on proof, the whole of the grounds upon which he proceeds to make that paper proper evidence.—That the evidence that is produced must be the demeanour of the party respecting that paper; and it is the connexion between them, as material to the charge depending, that will enable them to be produced." Your committee observes, that this was not a paper foreign to the prisoner, and sent to him as a letter, the receipt of which, and his conduct thereon, were to be brought home to him, to infer his guilt from his demeanour. It was an office document of his own department concerning himself, and kept by officers of his own, and by himself transmitted, as we have said, to the court of directors. Its proof was in the record. The charge made against him, and his demeanour on being acquainted with it, were not in separate evidence. They all lay together, and composed a connected narrative of the business, authenticated by himself. In that case it seems to your committee extremely irregular and preposterous to demand previous acd extraneous proofs of the demeanour of the party respecting the paper, and the connexion between them as material to the charge depending; for this would be to try what the effect and operation of the evidence would be on the issue of the cause, before its production.

The doctrine so laid down, demands that every several circumstance should in itself be conclusive, or at least should afford a violent presumption; it must, we were told, without question be material to the charge depending; but, as we conceive, its materiality, more or less, is not in the first instance to be established. To make it admissible, it is enough to give proof, or to raise a legal inference of its connexion both with the charge depending, and the person of the party charged, where it does not appear on the face of the evidence offered. Besides, by this new doctrine, the materiality required to be shown must be decided from a consideration, not of the whole circumstance, but in truth of one half of the circumstance, of a demeanour, unconnected with, and unexplained by that on which it arose, though the connexion between the demeanour of the party and the paper is that which must be shown to be material. Your committee, after all they have heard, is yet to learn how the full force and effect of any demeanour, as evidence of guilt or innocence, can be known, unless it be also fully known to what that demeanour applied; unless when a peron did or said any thing, it be known, not generally and abstractedly, that a paper was read to him, but particularly and specifically what were the contents of that paper; whether they were matters lightly or weightily alleged; within the power of the party accused to have confuted on the spot, if

* Girdwood's Case, Leach, p. 128. Gordon's Case, *ibid.* p. 245. Lord Preston's Case. St. Tr. 4, p. 439 [Howell's St. Tr., vol. 12, p. 708]. Layer's Case, St. Tr., 6, p. 279 [Howell's St. Tr., vol. 16, p. 204]. Foster's Crown Law, p. 198. Canning's Trial, St. Tr. 10, p. 263, 270 [Howell's St. Tr., vol. 19, p. 381, 395]. Trial of the duchess of Kingston, St. Tr. 11, p. 244 [Howell's St. Tr., vol. 20, p. 577]. Trial of Huggins, St. Tr., 9, p. 119, 120, 135, [Howell's St. Tr., vol. 17, p. 323, 325, 358].

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false; or such as, though he might have denied, he could not instantly have disproved. The doctrine appeared, and still appears to your committee to be totally abhorrent from the genius of circumstantial evidence, and mischievously subversive of its use. We did, however, offer that extraneous proof which was demanded of us, but it was refused, as well as the office document.

Your committee thought themselves the more bound to contend for every mode of evidence to the intention; because in many of the cases the gross fact was admitted, and the prisoner and his counsel set up pretences of public necessity and public service for his justification. No way lay open for rebutting this justification, but by bringing out all the circumstances attendant on the transaction.

Order and Time of Producing Evidence.

Your committee found great impediment in the production of evidence, not only on account of the general doctrines supposed to exist concerning its inadmissibility drawn from its own alleged natural incompetency, or from its inapplicability under the pleading of the impeachment of this House; but also from the mode of proceeding in bringing it forward. Here evidence which we thought necessary to the elucidation of the cause was not suffered, upon the supposed rules of examination in chief, and cross-examination,—and on supposed rules forming a distinction between evidence originally produced on the charge, and evidence offered on the reply.

On all these, your committee observes in general, that if the rules which respect the substance of the evidence are (as the great lawyers, on whose authority we stand, assert they are, no more than rules of convenience, much more are those subordinate rules which regard the order, the manner, and the time of the arrangement. These are purely arbitrary; without the least reference to any fixed principle in the nature of things, or to any settled maxim of jurisprudence, and consequently are variable at every instant, as the conveniences of the cause may require.

We admit that in the order of mere arrangement, there is a difference between examination of witnesses in chief and cross-examination, and that in general these several parts are properly cast, according to the situation of the parties in the cause; but there neither is nor can be any precise rule to discriminate the exact bounds between examination and cross-examination. So as to time, there is necessarily some limit, but a limit hard to fix; the only one which can be fixed with any tolerable degree of precision is, when the judge, after fully hearing all parties, is to consider of his verdict or his sentence. Whilst the cause continues under hearing in any shape, or in any stage of the process, it is the duty of the judge to receive every offer of evidence, apparently material suggested to him, though the parties themselves, through negligence, ignorance, or corrupt collusion, should not bring it forward. A judge is not placed in that high situation merely as a passive instrument of parties: he has a duty of his own, independent of them, and that duty is to investigate the truth. There may be no prosecutor.—In our law a permanent prosecutor is not of necessity. The crown prosecutor in criminal cases is a grand jury; and this is dissolved instantly on its findings and its presentments. But if no prosecutor appears (and it has happened more than once) the court is obliged, through its officer, the clerk of the arraigns, to examine and cross-examine every witness who presents himself; and the judge is to see it done effectually, and to act his own part in it; and this as long as evidence shall be offered within the time which the mode of trial will admit.

Your committee is of opinion, that if it has happened, that witnesses or other kinds of evidence have not been frequently produced after the closing of the prisoner's defence, or such evidence has not been in reply given, it has happened, from the peculiar nature of our common judicial proceedings, in which all the matter of evidence must be presented, whilst the bodily force, and the memory, or other mental faculties of men, can hold out. This does not exceed the compass of one natural day, or thereabouts; during that short space of time, new evidence very rarely occurs for production by any of the parties; because the nature of men, joined to the nature of the tribunals, and of the mode of trial at common law (good and useful on the whole) prescribe limits which the mere principles of justice would of themselves never fix.

But in other courts, such as the court of chancery, the courts of admiralty jurisdiction (except in prize causes under the act of parliament), and in the ecclesiastical courts wherein the trial is not by an inclosed jury, in those courts such strait limits are not of course necessary; the cause* is continued by many adjournments; as long as the trial lasts, new witnesses are examined, even after the regular stage for each party, on a special application, under the circumstances, to the sound discretion of the court, where the evidence offered is newly come to the knowledge or power of the party, and appears on the face of it to be material in the cause. Even after hearing, new witnesses have been examined, or former witnesses re-examined, not as the right of the parties, but *ad informandam conscientiam judicis*. All these things are not unfrequent in some, if not in all of these courts, and perfectly known to the judges of Westminster-hall, who cannot be supposed ignorant of the practice of the court of chancery; and who sit to try appeals from the admiralty and ecclesiastical courts as delegates.

* Harrison's Practice of Chancery, Vol. 2. p. 46. 1. Ch. ca. 228. 1. Ch. ca. 25. Oughton, tit. 81, 82, 83. Do. tit. 116.; Viner, tit. Evidence, (P. a.)

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But as criminal prosecutions, according to the forms of the civil and canon law, are neither many nor important in any court of this part of the kingdom, your committee thinks it right to state the undisputed principle of the imperial law, from the great writer on this subject before cited by us;—from Carpzovius. He says, "that a doubt has arisen whether evidence being once given in a trial on a public prosecution *(in processu inquisitorio)* and the witnesses being examined, it may be allowed to form other and new articles, and to produce new witnesses.*" Your committee must here observe, that the *processus inquisitorius* is that proceeding in which the prosecution is carried on in the name of the judge acting *ex-officio*; from that duty of his office, which is called the *nobile officium judicis*. For the judge under the imperial law possesses both those powers, the inquisitorial and the judicial, which in the high court of parliament are more aptly divided and exercised by the different Houses; and in this kind of process the House will see that Carpzovius couples the production of new witnesses, and the forming of new articles (the undoubted privilege of the Commons) as intimately and necessarily connected. He then proceeds to solve the doubt: "Certainly," says he, "there are authors who deny, that after publication of the depositions, any new witnesses and proofs, that can affect the prisoner, ought to be received, which," says he, "is true in a case where a private prosecutor has intervened who produces the witnesses. But if the judge proceeds by way of inquisition *ex officio*, then, even after the completion of the examination of witnesses against the prisoner, new witnesses may be received and examined; and on new grounds of suspicion arising new articles may be formed according to the common opinion of the doctors; and as it is the most generally received, so it is most agreeable to reason."

And in another chapter, relative to the ordinary criminal process by a private prosecutor, he lays it down on the authority of Angelus, Bartolus, and others, that after the right of the party prosecuting is expired, the judge taking up the matter *ex officio* may direct new witnesses and new proofs, even after publication.† Other passages from the same writer, and from others, might be added; but your committee trusts that what they have produced is sufficient to show the general principles of the imperial criminal law.

The high court of parliament bears in its modes of proceeding a much greater resemblance to the course of the court of chancery, the admiralty, and ecclesiastical courts (which are the king's courts too, and their law the law of the land) than to those of the common law.

The accusation is brought into parliament at this very day by exhibiting articles; which your committee is informed is the regular mode of commencing a criminal prosecution, where the office of the judge is promoted in the civil and canon law courts of this country. The answer again is usually specific, both to the fact and the law alleged in each particular article, which is agreeable to the proceeding of the civil law, and not of the common law.

Anciently the resemblance was much nearer and stronger. Selden, who was himself a great ornament of the common law, and who was personally engaged in most of the impeachments of his time, has written expressly on the judicature in parliament. In his fourth chapter, intituled, Of Witnesses, he lays down the practice of his time, as well as of ancient times, with respect to the proof by examination; and it is clearly a practice more similar to that of the civil than the common law.

"The practice at this day," says he, "is to swear the witnesses in open house, and then to examine them there, or at a committee, either upon interrogatories agreed upon in the House, or such as the committee in their discretion shall demand:—thus it was in ancient times, as shall appear by the precedents, so many as they are, they being very sparing to record those ceremonies, which I shall briefly recite, I then add those of later times." Accordingly, in times so late as those of the trial of lord Middlesex, (22 Jac. 1st, 1624.) upon an impeachment of the Commons, the whole course of the proceeding, especially in the mode of adducing the evidence, was in a manner the same as in the civil law: depositions were taken, and publication regularly passed; and on the trial of lord Strafforde, both modes pointed out by Selden seem to have been indifferently used. It follows, therefore, that this high court (bound by none of their rules) has a liberty to adopt the methods of any of the legal courts of the kingdom at its discretion; and in sound discretion it ought to adopt those which bear the nearest resemblance to its own constitution, to its own procedure, and to its exigencies in the promotion of justice.

There are conveniencies and inconveniencies both in the shorter and the longer mode of trial. But to bring the methods observed (if such are in fact observed) in the former, only from necessity, into the latter by choice, is to load it with the inconveniency of both, without the advantages of either. The chief benefit of any process which admits of adjournments, is that it may afford means of fuller information and more mature deliberation.—If neither of the parties have a strict right to it, yet the court or the jury, as the case may be, ought to demand it.

* Carpz. Pract. Saxon. Crimin. Part 3. Quest. 114. No. 13.

† Carpz. Pract. Saxon. Crimin. Part 3, Quest. 106. No. 89.

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Your committee is of opinion, that all rules relative to laches or neglects in a party to the suit, which may cause nonsuit on the one hand, or judgment by default in the other, all things which cause the party *cadere in jure*, ought not to be adhered to in the utmost rigour, even in civil cases; but still less ought that spirit, which takes advantage of the lapses and failures on either part to be suffered to govern in causes criminal. "Judges ought to lean against every attempt to nonsuit a plaintiff on objections which have no relation to the real merits. It is unconscionable in a defendant to take advantage of the *apices litigandi*—against such objections, every possible presumption ought to be made which ingenuity can suggest. How disgraceful would it be to the administration of justice to allow chicane, to obstruct right!"* This observation of lord Mansfield applies equally to every means by which, indirectly as well as directly, the cause may fail upon any other principles than those of its merits. He thinks, that all the resources of ingenuity ought to be employed to baffle *chicane*, not to support it. The case in which lord Mansfield has delivered this sentiment is merely a civil one In civil causes of *meum et tuum*, it imports little to the commonwealth, whether Titus or Mævius profits of a legacy; or whether John a Nokes or John a Stiles is seised of the manor of Dale. For which reason, in many cases, the private interests of men are left by courts to suffer by their own neglects and their own want of vigilance, as their fortunes are permitted to suffer from the same causes in all the concerns of common life. But in crimes, where the prosecution is on the part of the public (as all criminal prosecutions are, except appeals), the public prosecutor ought not to be considered as a plaintiff in a cause of *meum et tuum;* nor the prisoner, in such a cause, as a common defendant. In such a cause the state itself is highly concerned in the event: on the other hand, the prisoner may lose life, which all the wealth and power of all the states in the world cannot restore to him. Undoubtedly the state ought not to be weighed against justice; but it would be dreadful indeed if causes of such importance should be sacrificed to petty regulations, of mere secondary convenience, not at all adapted to such concerns, nor even made with a view to their existence.

Your committee readily adopts the opinion of the learned Ryder, that it would be better if there were no such rules, than that there should be no exceptions to them. Lord Hardwicke declared very properly, in the case of the earl of Chesterfield against sir Abraham Janson, "That political arguments, in the fullest sense of the word, as they concerned the government of a nation, must be, and always have been, of great weight in the consideration of this court. Though there be no *dolus malus* in contracts, with regard to other persons, yet if the rest of mankind are concerned as well as the parties, it may be properly said, it regards the public utility."* Lord Hardwicke laid this down in a cause of *meum et tuum*, between party and party, where the public was concerned only remotely, and in the example; not as in this prosecution, when the political arguments are infinitely stronger, the crime relating, and in the most eminent degree relating, to the public.

One case has happened since the time which is limited by the order of the House for this report: it is so very important, that we think ourselves justified in submitting it to the House without delay. Your committee, on the supposed rules here alluded to, has been prevented (as of right) from examining a witness of importance in the case, and one on whose supposed knowledge of his most hidden transactions, the prisoner had himself, in all stages of this business, as the House well knows, endeavoured to raise presumptions in favour of his cause. Indeed it was his principal if not only justification, as to the intention, in many different acts of corruption charged upon him. The witness to whom we allude, is Mr. Larkins. This witness came from India after your committee had closed the evidence of this House, in chief; and could not be produced before the time of the reply. Your committee was not suffered to examine him; not, as they could find, on objections to the particular question, as improper, but upon some or other of the general grounds (as they believe) on which Mr Hastings resisted any evidence from him. The party, after having resisted his production, on the next sitting day admitted him; and by consent he was examined; your committee entered a protest on the minutes in favour of their right.

Your committee contended, and do contend, that by the law of parliament, whilst the trial lasts, they have full right to call new evidence, as the circumstances may afford, and the posture of the cause may demand it. This right seems to have been asserted by the managers for the Commons in the case of lord Stafford—32 Cha. 2nd. The managers in that case, claimed it as the right of the Commons to produce witnesses for the purpose of fortifying their former evidence.—Their claim was admitted by the court. It is an adjudged case in the law of parliament.

Your committee is well aware, that the notorious perjury and infamy of the witnesses in the trial of lord Stafford has been used to throw a shade of doubt and suspicion on all

* Morris *v.* Pugh and others, Burrow, p. 1243. See also Burrow, 4. Dickson *v.* Fisher. Alder *v.* Chip. Grey *v.* Smythies. Blackstone's Reports. N. B. All from the same judge, and proceeding on the same principles.

* Atykns's Reports, Vol. 1. Chesterfield *v.* Janson.

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that was transacted on that occasion. But there is no force in such an objection. Your committee has no concern in the defence of these witnesses; nor of the Lords who found their verdict on such testimony; nor of the morality of those who produced it. Much may be said to palliate errors on the part of the prosecutors and judges, from the heat of the times, arising from the great interests then agitated. But it is plain, there may be perjury in witnesses, or even conspiracy unjustly to prosecute, without the least doubt of the legality and regularity of the proceedings in any part. This is too obvious and too common to need argument or illustration.

The proceeding in lord Stafford's case never has, now for 114 years, either in the warm controversies of parties, or in the cool disquisitions of lawyers or historians, ever been questioned. The perjury of the witnesses has been more doubted at some periods, than the regularity of the process has been at any period. The learned lawyer who led for the Commons in that impeachment (serjeant Maynard) had, near forty years before, taken a forward part in the great cause of the impeachment of lord Strafforde; and was, perhaps, of all men then in England, the most conversant in the law and usage of parliament. Jones was one of the ablest lawyers of his age. His colleagues were eminent men.

In the trial of lord Strafforde (which has attracted the attention of history more than any other, on account of the importance of the cause itself, the skill and learning of the prosecutors, and the eminent abilities of the prisoner) after the prosecutors for the Commons had gone through their evidence on the articles; after the prisoner had also made his defence, either upon each severally, or upon each body of articles, as they had been collected into one; and the managers had, in the same manner, replied; when, previous to the general concluding reply of the prosecutors, the time of the general summing up (or recollection as it was called) of the whole evidence on the part of lord Strafforde arrived, the managers produced new evidence. Your committee wishes to call the particular attention of the House to this case, as the contest between the parties did very nearly resemble the present; but, principally, because the sense of the Lords on the law of parliament, in its proceedings with regard to the reception of evidence, is there distinctly laid down: so is the report of the judges relative to the usage of the Courts below, full of equity and reason, and in perfect conformity with the right for which we contended in favour of the public, and in favour of the court of Peers itself. The matter is as follows.* Your committee gives it at large:

"After this, the lord steward adjourned this House to Westminster-hall; and the peers being all set there in their places, the lord steward commanded the lieutenant of the Tower to bring forth the earl of Strafforde to the bar; which being done, the lord steward signified, that both sides might make a recollection of their evidence, and the earl of Strafforde to begin first. Hereupon Mr. Glynn desired, that before the earl of Strafforde began, that the Commons might produce two witnesses to the fifteenth and twenty-third articles, to prove that there be two men whose names are Berne; and so a mistake will be made clear. The earl of Strafforde desired, that no new witnesses may be admitted against him, unless he might be permitted to produce witnesses on his part likewise; which the Commons consented to, so the earl of Strafforde would confine himself to those articles upon which he made reservations, but, he not agreeing to that, and the Commons insisting upon it, the House was adjourned to the usual place above, to consider of it; and after some debate, their lordships thought it fit, that the members of the Commons go on in producing new witnesses, as they shall think fit, to the fifteenth and twenty-third articles; and that the earl of Strafforde may presently produce such witnesses as are present; and such as are not, to name them presently; and to proceed on Monday next; and also, if the Commons and earl of Strafforde would proceed upon any other articles, upon new matter, they are to name the witnesses and articles on both sides presently, and to proceed on Monday next; but both sides may waive it if they will.

"The lord steward adjourned this House to Westminster-hall; and being returned thither, signified what the Lords had thought fit for the better proceeding in the business. The earl of Strafforde, upon this, desiring not to be limited to any reservation, but to be at liberty for what articles are convenient for him to fortify with new witnesses; to which the Commons not assenting, and for other scruples which did arise in the case, one of the peers did desire that the House might be adjourned, to consider further of the particulars. Hereupon the lord steward adjourned the House to the usual place above. The Lords, being come up into the House, fell into debate of the business; and, for the better informing of their judgments what was the course and common justice of the kingdom, propounded this question to the judges: 'Whether it be according to the course of practice, and common justice, before the judges in their several courts, for the prosecutors in behalf of the king, during the time of trial, to produce witnesses to discover the truth, and whether the prisoner may not do the like?' The lord chief justice delivered this, as the unanimous opinions of himself and all the rest of the judges: 'That according to the course of practice and common justice, before them in their several courts, upon trial by jury, as long as the prisoner is at the bar, and the jury not sent away, either side may give their

* Lord's Journals, 17 Ch. 1. 10 Aprilis.

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evidence, and examine witnesses to discover truth; and this is all the opinion as we can give concerning the proceedings before us.'

"Upon some consideration after this the House appointed the earls of Bath, South'ton, Hartford, Essex, Bristoll, and the lord viscount Say et Seale, to draw up some reasons upon which the former order was made; which being read as followeth, were approved of, as the order of the House.

"The gentlemen of the House of Commons did declare, that they challenge to themselves, by the common justice of the kingdom, that they, being prosecutors for the king, may bring any new proofs by witnesses during the time of the evidence being not fully concluded. The Lords, being judges, and so equal to them and the prisoner, conceived this their desire to be just and reasonable; and also that, by the same common justice, the prisoner may use the same liberty; and that, to avoid any occasions of delay, the Lords thought fit that the articles and witnesses be presently named, and such as may be presently produced to be used presently; and no further time to be given. The lord steward was to let them know, that if they will on both sides waive the use of new witnesses, they may proceed to the recollection of their evidence on both sides; if both sides will not waive it, then the lord steward is to read the precedent order; and, if they will not proceed then, this House is to adjourn and rise."

By this it will appear to the House, how much this exclusion of evidence, brought for the discovery of truth, is unsupported either by parliamentary precedent, or by the rule as understood in the common law courts below; and your committee (protesting however against being bound by any of the technical rules of inferior courts) thought and think they had a right to see such a body of precedents and arguments for the rejection of evidence during trial, in some court or other, before they were in this matter stopped and concluded.

Your committee has not been able to examine every criminal trial in the voluminous collection of the State Trials, or elsewhere: but having referred to the most laborious compiler of law and equity, Mr. Viner, who has allotted a whole volume to the title of evidence, we find but one ruled case in a trial at common law, before or since, where new evidence for the discovery of truth has been rejected as not being in due time. "A privy verdict had been given in B. R. 14 Eliz. for the defendant, but afterwards before the inquest gave their verdict openly, the plaintiff prayed that he might give more evidence to the jury, he having (as it seemed) discovered that the jury had found against him, but the justices would not admit him to do so: but after that Southcote, J. had been in C. B. to ask the opinion of the justices there, they took the verdict."* In this case, the offer of new evidence was not during the trial. The trial was over. The verdict was actually delivered to the judge. There was also an appearance that the discovery of the actual finding had suggested to the plaintiff the production of new evidence—yet it appeared to the judges so strong a measure to refuse evidence, whilst any, even formal appearance remained, that the trial was not closed, that they sent a judge from the bench into the Common pleas to obtain the opinion of their brethren there before they could venture to take upon them to consider the time for production of evidence as elapsed. The case of refusal, taken with its circumstances, is full as strong an example in favour of the report of the judges in lord Strafforde's case, as any precedent of admittance can be.

The researches of your committee not having furnished them with any cases in which evidence has been rejected during the trial, as being out of time, we have found some instances in which it has been actually received; and received not to repel any new matter in the prisoner's defence—but when the prisoner had called all his witnesses, and thereby closed his defence. A remarkable instance occurred, on the trial of Harrison for the murder of Dr. Clenche.† The justices who tried the cause, viz lord chief justice Holt, and the justices Atkins and Nevil, admitted the prosecutor to call new evidence, for no other reason but that a new witness was then come into court, who had not been in court before.—These justices apparently were of the same opinion on this point with the justices who gave their opinion in the case of lord Strafforde.

Your committee on this point, as on the former, cannot discover any authority for the decision of the House of Lords in the law of parliament, or in the law practice of any court in this kingdom.

Practice Below.

Your committee not having learned that the resolutions of the judges (by which the Lords have been guided) were supported by any authority in law to which they could have access, have heard by rumour, that they have been justified upon the practice of the courts, in ordinary trials by commission of oyer and terminer.

To give any legal precision to this term of practice, as thus applied, your committee apprehends it must mean—that the judge in those criminal trials has so regularly rejected a certain kind of evidence when offered there, that it is to be regarded in the light of a case frequently determined by legal authority. If such had been discovered, though your com-

* Dal. 80. Pl. 18. Anno 24 Eliz. apud Viner Evid. p. 60.

† State Trials, Vol. iv. p. 501. [Howell's State Trials, Vol. 12, p. 862.]

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mittee never could have allowed these precedents as rules for the guidance of the high Court of parliament, yet they should not be surprised to see the inferior judges forming their opinions on their own confined practice.

Your committee, in their inquiry, has found comparatively few reports of criminal trials, except the collection under the title of State Trials, a book compiled from materials of very various authority; and in none of those which we have seen there, as appears to us, a single example of the rejection of evidence, similar to that rejected by the advice of the judges in the House of Lords. Neither, if such examples did exist, could your committee allow them to apply directly and necessarily as a measure of reason to the proceedings of a court constituted so very differently from those in which the common law is administered.

In the trials below, the judges decide on the competency of the evidence before it goes to the jury, and (under the correctives in the use of their discretion stated before in this report) with great propriety and wisdom. Juries are taken promiscuously from the mass of the people; they are composed of men who, in many instances, in most perhaps, never were concerned in any causes, judicially or otherwise, before the time of their service. They have generally no previous preparation or possible knowledge of the matters to be tried, or what is applicable or inapplicable to them, and they decide in a space of time too short for any nice or critical disquisition. The judges, therefore, of necessity must forestall the evidence where there is a doubt on its competence, and indeed observe much on its credibility, or the most dreadful consequences might follow.—The institution of juries, if not thus qualified, could not exist. Lord Mansfield makes the same observation with regard to another corrective of the short mode of trial—that of a new trial.

This is the law, and this its policy. The jury are not to decide on the competency of witnesses, or of any other kind of evidence, in any way whatsoever. Nothing of that kind can come before them. But the Lords in the high court of parliament are not, either actually or virtually, a jury. No legal power is interposed between them and evidence; they are themselves by law fully and exclusively equal to it. They are persons of high rank, generally of the best education, and of sufficient knowledge of the world; and they are a permanent, a settled, a corporate, and not an occasional and transitory judicature. But it is to be feared, that the authority of the judges (in the case of juries legal) may, from that example, weigh with the Lords farther than its reason, or its applicability to the judicial capacity of the Peers, can support. It is to be feared, that if the Lords should think themselves bound implicitly to submit to this authority, that at length they may come to think themselves to be no better than jurors, and may virtually consent to a partition of that judicature, which the law has left to them whole, supreme, uncontrolled, and final.

This final and independent judicature, because it is final and independent, ought to be very cautious with regard to the rejection of evidence.—If incompetent evidence is received by them, there is nothing to hinder their judging upon it afterwards according to its value. It may have no weight in their judgment; but if, upon advice of others, they previously reject information necessary to their proper judgment, they have no intermediate means of setting themselves right, and they injure the cause of justice without any remedy. Against errors of juries there is remedy by a new trial. Against errors of judges, there is remedy, in civil causes, by demurrer and bills of exceptions; against their final mistake there is remedy by writ of error, in courts of common law. In chancery, there is a remedy by appeal. If they wilfully err in the rejection of evidence, there was formerly the terror existing of punishment by impeachment of the Commons;—but with regard to the Lords, there is no remedy for error, no punishment for a wilful wrong.

Your committee conceives it not improbable that this apparently total and unreserved submission of the Lords to the dictates of the judges of the inferior courts (no proper judges in any light, or in any degree, of the law of parliament) may be owing to the very few causes of original jurisdiction, and the great multitude of those of appellate jurisdiction which come before them. In cases of appeal, or of error (which is in the nature of an appeal), the court of appeal is obliged to judge, not by its own rules, acting in another capacity, or by those which it shall choose *pro re nata* to make, but by the rules of the inferior court from whence the appeal comes, for the fault or the mistake of the inferior judge is, that he has not proceeded as he ought to do, according to the law which he was to administer; and the correction, if such shall take place, is, to compel the court from whence the appeal comes, to act as originally it ought to have acted according to law, as the law ought to have been understood and practised in that tribunal.

The Lords, in such cases of necessity, judge on the grounds of the law and practice of the courts below; and this they can very rarely learn with precision, but from the body of the judges. Of course much deference is, and ought to be had to their opinions. But by this means a confusion may arise (if not well guarded against) between what they do in their appellate jurisdiction, which is frequent, and what they ought to do in their original jurisdiction, which is rare; and by this the whole original jurisdiction of the peers, and the whole law and usage of parliament, at least in their virtue and spirit, may be considerably impaired.

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After having thus submitted to the House the general tenor of the proceedings in this trial, your committee will, with all convenient speed, lay before the House the proceedings on each head of evidence separately, which has been rejected; and this they hope will put the House more perfectly in possession of the principal causes of the length of this trial, as well as of the injury which parliamentary justice may, in their opinion, suffer from those proceedings.

APPENDIX, No. I.—In the case of EARL FERRERS. *April 17th*, 1760.*

The House of Peers unanimously found earl Ferrers guilty of the felony and murder whereof he stood indicted; and the earl being brought to the bar, the high steward acquainted him therewith; and the House immediately adjourned to the chamber of parliament: and having put the following question to the judges, adjourned to the next day: "Supposing a peer, so indicted and convicted, ought by law to receive such judgment as aforesaid, and the day appointed by the judgment for execution should lapse before such execution done, whether a new time may be appointed for the execution, and by whom?" On the 18th, the House then sitting in the chamber of parliament, the lord chief baron, in the absence of the chief justice of the Common pleas, delivered in writing the opinion of the judges, which they had agreed on and reduced into form that morning. His lordship added many weighty reasons in support of the opinion; which he urged with great strength and propriety, and delivered with a becoming dignity.

To the Second Question.

"Supposing the day appointed by the judgment for execution should lapse before such execution done (which however the law will not presume), we are all of opinion, that a new time may be appointed for the execution, either by the high court of parliament, before which such peer shall have been attainted, or by the court of King's-bench, the parliament not then sitting; the record of the attainder being properly removed into that court."

The reasons upon which the judges founded their answer to the question relating to the farther proceedings of the House after the high steward's commission dissolved, which is usually done upon pronouncing judgment, may possibly require some further discussion. I will therefore, before I conclude, mention those which weighed with me, and, I believe, with many others of the judges.

Reasons, &c.

Every proceeding in the House of Peers acting in its judicial capacity, whether upon writ of error, impeachment, or indictment, removed thither by *certiorari*, is in judgment of law a proceeding before the king in parliament: and therefore the House, in all those cases, may not improperly be styled, the court of our lord the king in parliament. This court is founded upon immemorial usage, upon the law and custom of parliament, and is part of the original system of our constitution. It is open for all the purposes of judicature during the continuance of the parliament: it openeth at the beginning and shutteth at the end of every session; just as the court of King's-bench, which is likewise in judgment of law held before the king himself, openeth and shutteth with the term. The authority of this court, or, if I may use the expression, its constant activity for the ends of public justice, independent of any special powers derived from the crown, is not doubted in the case of writs of error from those courts of law whence error lieth in parliament, and of impeachments for misdemeanors.

It was was formerly doubted, whether, in the case of an impeachment for treason, and in the case of an indictment against a peer for any capital crime, removed into parliament by *certiorari*, whether in these cases the court can proceed to trial and judgment without an high steward, appointed by special commission from the crown. This doubt seemeth to have arisen from the not distinguishing between a proceeding in the court of the high steward, and that before the king in parliament. The name, style, and title of office, is the same in both cases; but the office, the powers, and preeminencies annexed to it, differ very widely; and so doth the constitution of the courts where the offices are executed. The identity of the name may have confounded our ideas, as equivocal words often do, if the nature of things is not attended to; but the nature of the offices, properly stated, will I hope remove every doubt on these points.

In the court of the high steward, he alone is judge in all points of law and practice; the peers triers are merely judges of fact, and are summoned by virtue of a precept from the high steward, to appear before him on the day appointed by him for the trial, *ut rei veritas melius sciri poterit.*

The high steward's commission, after reciting that an indictment hath been found against the peer by the grand jury of the proper county, empowereth him to send for the indictment, to convene the prisoner before him, at such day and place as he shall appoint, then and there to hear and determine the matter of such indictment; to cause the peers triers *tot et tales, per quos rei veritas melius sciri poterit*, at the same day and place to appear before him, *veritateque inde compertâ*, to proceed to judgment according to the law and custom of England, and thereupon to award execution.*

* Foster's Crown Law, p. 138. Fo. edit.

* See lord Clarendon's commission as high steward, and the writs and precepts preparatory to the trial, in lord Morley's case. Howell's State Trials, Vol. 6. p. 772.

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By this it is plain that the sole right of judicature is in cases of this kind vested in the high steward; that it resideth solely in his person; and consequently without this commission, which is but in nature of a commission of oyer and terminer, no one step can be taken in order to a trial; and that when his commission is dissolved, which he declareth by breaking his staff, the court no longer existeth. But in a trial of a peer in full parliament, or to speak with legal precision, before the king in parliament, for a capital offence, whether upon impeachment or indictment, the case is quite otherwise; every peer present at the trial, and every temporal peer, hath a right to be present in every part of the proceeding; voteth upon every question of law and fact; and the question is carried by the major vote, the high steward himself voting merely as a peer and member of that court, in common with the rest of the peers, and in no other right.

It hath indeed been usual, and very expedient it is, in point of order and regularity, and for the solemnity of the proceeding, to appoint an officer for presiding during the time of the trial, and until judgment, and to give him the style and title of Steward of England; but this maketh no sort of alteration in the constitution of the court, it is the same court founded in immemorial usage, in the law and custom of parliament, whether such appointment be made or not. It acteth in its judicial capacity in every order made touching the time and place of the trial, the postponing the trial from time to time upon petition, according to the nature and circumstances of the case, the allowance or non-allowance of counsel to the prisoner, and other matters relative to the trial;* and all this before an high steward hath been appointed. And so little was it apprehended, in some cases which I shall mention presently, that the existence of the court depended on the appointment of an high steward, that the court itself directed in what manner, and by what form of words, he should be appointed. It hath likewise received and recorded the prisoner's confession, which amounteth to a conviction, before the appointment of an high steward; and hath allowed to prisoners the benefit of acts of general pardon, where they appeared entitled to it, as well without the appointment of an high steward, as after his commission dissolved.

And when, in the case of impeachments, the Commons have sometimes, at conferences between the Houses, attempted to interpose in matters preparatory to the trial, the general answer hath been, "This is a point of judicature upon which the Lords will not confer; they impose silence upon themselves," or to that effect. I need not here cite instances; every man who hath consulted the Journals of either house hath met with many of them.

I will now cite a few cases, applicable, in my opinion, to the present question. And I shall confine myself to such as have happened since the restoration. Because, in questions of this kind, modern cases, settled with deliberation, and upon a view of former precedents, give more light and satisfaction than the deepest search into antiquity can afford. And also because the prerogatives of the crown, the privileges of parliament, and the rights of the subject in general, appear to me to have been more studied, and better understood, at and for some years before that period, than in former ages. In the case of the earl of Danby, and the popish Lords, then under impeachments, the Lords, on the 6th of May 1679, appointed time and place for hearing the earl of Danby, by his counsel, upon the validity of his plea of pardon, and for the trials of the other lords; and voted an address to his majesty, praying that he would be pleased to appoint an high steward for those purposes. These votes were, on the next day, communicated to the Commons by message in the usual manner. On the 8th, at a conference between the Houses, upon the subject-matter of that message, the Commons expressed themselves to the following effect: "They cannot apprehend what should induce your lordships to address his majesty for an high steward, for determining the validity of the pardon which hath been pleaded by the earl of Danby, as also for the trial of the other five Lords, because they conceive the constituting an high steward is not necessary, but that judgment may be given in parliament upon impeachment without an high steward;" and concluded with a proposition, that for avoiding any interruption or delay, a committee of both Houses might be nominated to consider of the most proper ways and methods of proceeding. This proposition the House of Peers, after a long debate, rejected. *Dissentientibus*, Finch,* chancellor, and many other lords.

However, on the 11th the Commons' proposition of the 8th was, upon a second debate, agreed to; and the lord chancellor, lord president, and ten other lords, were named of the committee, to meet and confer with a committee of the Commons. The next day the lord president reported, that the committees of both Houses met that morning, and made an entrance into the business referred to them: that the Commons desired to see the commissions that are prepared for an high steward at these trials, and also the commissions in the lord Pembroke's and the lord Morley's cases. That to this the Lords committees said, "The high steward is but speaker *pro tempore* and giveth his vote as well as the other lords. This changeth not the nature of the court. And the Lords de-

* See the orders previous to the trial, in the cases of lords Kilmarnock, &c. and lord Lovat, and many other modern cases.

* Afterwards earl of Nottingham.

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clared they have power enough to proceed to trial, though the king should not name an high steward.* That this seemed to be a satisfaction to the Commons, provided it was entered in the Lords Journals, which are records." Accordingly, on the same day, "It is declared and ordered, by the Lords spiritual and temporal in parliament assembled, that the office of an high steward upon trials of peers upon impeachments is not necessary to the House of Peers; but that the Lords may proceed in such trials if an high steward be not appointed, according to their humble desire."†

On the 13th the lord president reported, that the committees of both Houses had met that morning, and discoursed in the first place on the matter of a lord high steward, and had perused former commissions for the office of high steward; and then, putting the House in mind of the order and resolution of the preceding day, proposed from the committees that a new commission might issue, so as the words in the commission may be thus changed, viz. Instead of *Ac pro eo quòd officium seneschalli Angliæ (cujus presentia in hac parte requiritur) ut accepimus jam vacat*, may be inserted, *Ac pro eo quòd proceres et magnates in parliamento nostro assemblati, nobis humiliter supplicaverunt ut seneschallum Angliæ pro hac vice constituere dignaremur;* to which the House agreed.‡

It must be admitted, that precedents drawn from times of ferment and jealousy, as these were, lose much of their weight, since passion and party prejudice generally mingle in the contest; yet let it be remembered, that these are resolutions in which both Houses concurred, and in which the rights of both were thought to be very nearly concerned; the Commons' right of impeaching with effect, and the whole judicature of the Lords in capital cases. For if the appointment of a high steward was admitted to be of absolute necessity (however necessary it may be for the regularity and solemnity of the proceeding during the trial, and until judgment, which I do not dispute), every impeachment may, for a reason too obvious to be mentioned, be rendered ineffectual, and the judicature of the Lords, in all capital cases, nugatory

It was from a jealousy of this kind, not at that juncture altogether groundless, and to guard against every thing from whence the necessity of an high steward in the case of an impeachment might be inferred, that the Commons proposed, and the Lords readily agreed to, the amendment in the steward's commission, which I have already stated. And it hath, I confess, great weight with me, that this amendment, which was at the same time directed in the cases of the five popish Lords, when commissions should pass for their trials, hath taken place in every commission upon impeachments for treason since that time.* And I cannot help remarking, that in the case of lord Lovat, when neither the heat of the times, nor the jealousy of parties, had any share in the proceeding, the House ordered, "That the commission for appointing a lord high steward shall be in the like form as that for the trial of the lord viscount Stafford, as entered in the Journal of this House, on the 30th of November 1680, except that the same shall be in the English language."†

I will make a short observation on this matter. The order, on the 13th of May 1679, for varying the form of the commission, was, as appeareth by the Journal, plainly made in consequence of the resolution of the 12th, and was founded on it; and consequently the constant unvarying practice with regard to the new form goeth, in my opinion, a great way towards showing, that in the sense of all succeeding times, that resolution was not the result of factions or a blameable jealousy, but was founded in sound reason and true policy.

It may be objected, that the resolution of the 12th of May 1679 goeth no farther than to a proceeding upon impeachment. The letter of the resolution, it is admitted, goeth no farther, but this is easily accounted for; a proceeding by impeachment was the subject matter of the conference and the Commons had no pretence to interpose in any other. But what say the Lords? The high steward is but as a speaker or chairman, *pro tempore*, for the more orderly proceeding at the trials;

* In the Commons Journal of the 15th of May it standeth thus: Their lordships further declare to the committee, that a lord high steward was made *hac vice* only. That notwithstanding the making of a lord high steward the court remained the same, and was not thereby altered, but still remained the court of peers in parliament. That the lord high steward was but a speaker or chairman, for the more orderly proceeding at the trials.

† This resolution my lord chief baron referred to and cited in his argument upon the second question proposed to the judges, which is before stated.

‡ This amendment arose from an exception taken to the commission by the committee for the Commons, which as it then stood did in their opinion imply that the constituting of a lord high steward was necessary. Whereupon it was agreed by the whole committee of Lords and Commons, that the commission, should be recalled, and a new commission, according to the said amendment, issue, to bear date after the order and resolution of the 12th (Commons Journal of the 15th of May).

* See, in the State Trials, the commissions in the cases of the earl of Oxford, earl of Derwentwater and others, lord Winton and lord Lovat.

† See the proceedings, printed by order of the House of Lords (4th February 1746).

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the appointment of him doth not alter the nature of the court, which still remaineth the court of the peers in parliament. From these premises, they draw the conclusion I have mentioned. Are not these premises equally true in the case of a proceeding upon indictment?—They undoubtedly are.

It must likewise be admitted, that in the proceeding upon indictment the high steward's commission hath never varied from the ancient form in such cases; the words objected to by the Commons, *Ac pro eo quòd officium seneschalli Angliæ (cujus præsentia in hac parte requiritur) ut accepimus jam vacat*, are still retained. But this proveth no more than that the great seal having no authority to vary in point of form, hath from time to time very prudently followed ancient precedents.

I have already stated the substance of the commission, in a proceeding in the court of the high steward. I will now state the substance of that in a proceeding in the court of the peers in parliament. And shall make use of that in the case of the earl of Kilmarnock and others, as being the latest, and in point of form, agreeing with the former precedents. The commission, after reciting that William earl of Kilmarnock, &c. stand indicted before commissioners of gaol delivery, in the county of Surrey, for high treason in levying war against the king; and that the king intendeth that the said William earl of Kilmarnock, &c. shall be heard, examined, sentenced, and adjudged before himself in this present parliament, touching the said treason, and for that the office of steward of Great Britain (whose presence is required upon this occasion) is now vacant as we are informed, appointeth the then lord chancellor steward of Great Britain, to hear, execute, and exercise (for this time) the said office, with all things due and belonging to the same office, in that behalf.

What, therefore, are the things due and belonging to the office in a case of this kind? Not, as in the court of the high steward, a right of judicature. For the commission itself supposeth that right to reside in a court then subsisting before the king in parliament. The parties are to be there heard, sentenced, and adjudged. What share in the proceeding doth the high steward then take? By the practice and usage of the court of the peers in parliament, he giveth his vote as a member thereof with the rest of the peers; but for the sake of regularity and order he presideth, during the trial, and until judgment, as chairman or speaker, *pro tempore*. In that respect, therefore, it may be properly enough said, that his presence is required during the trial, and until judgment, and in no other. Herein I see no difference between the case of an impeachment, and of an indictment.

I say during the time of the trial, and until judgment, because the court hath, as I observed before, from time to time, done various acts, plainly judicial, before the appointment of an high steward, and where no high steward hath ever been appointed, and even after the commission dissolved.

I will to this purpose cite a few cases. I begin with the latest, because they are the latest, and were ruled with great deliberation, and for the most part upon a view of former precedents. In the case of the earl of Kilmarnock and others, the Lords on the 24th of June 1746, ordered that a writ or writs of *certiorari* be issued for removing the indictments before the House. And on the 26th the writ, which is made returnable before the king in parliament, with the return and indictments, was received and read. On the next day, upon the report of the Lords' committees, that they had been attended by the two chief justices, and chief baron, and had heard them touching the construction of the act of the seventh and eighth of king William, "for regulating trials in cases of high treason, and misprision of treason," the House, upon reading the report, came to several resolutions, founded for the most part on the construction of that act. What that construction was, appeareth from the lord high steward's address to the prisoners, just before their arraignment. Having mentioned that act, as one happy consequence of the Revolution, he addeth, "however injuriously that revolution hath been traduced, whatever attempts have been made to subvert this happy establishment founded on it, your lordships will now have the benefit of that law in its full extent." I need not after this mention any other judicial acts done by the House in this case, before the appointment of the high steward—many there are. For the putting a construction upon an act relative to the conduct of court, and the right of the subject at the trial, and in the proceedings preparatory to it, and this in a case entirely new, and upon a point, to say no more in this place, not extremely clear, was undoubtedly an exercise of authority proper only for a court having full cognizance of the cause.

I will not minutely enumerate the several orders made preparatory to the trial of lord Lovat, and in the several cases I shall have occasion to mention, touching the time and place of the trial, the allowance or non-allowance of counsel, and other matters of the like kind, all plainly judicial, because the like orders occur in all the cases where a journal of the preparatory steps hath been published by order of the peers. With regard to lord Lovat's case, I think the order directing the form of the high steward's commission, which I have already taken notice of, is not very consistent with the idea of a court, whose powers can be supposed to depend, at any point of time, upon the existence or dissolution of that commission.

In the case of the earl of Derwentwater, and the Lords impeached at the same time, the House received and recorded the confessions of those of them who pleaded guilty, long

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before the test of the high steward's commission, which issued merely for the solemnity of giving judgment against them upon their conviction. This appeareth by the commission itself: it reciteth that the earl of Derwentwater, and others, "Coram nobis in præsenti parliamento," had been impeached by the Commons for high treason, and had, "Coram nobis in præsenti parliamento," pleaded guilty to that impeachment; and that the king, intending that the said earl of Derwentwater and others, "de et pro proditione unde ipsi ut prælertur impetit', accusit', et convict' existunt coram nobis in præsenti parliamento, secundem legem et consuetudinem hujus regni nostri Magnæ Britanniæ, audientur, sententientur, et adjudicentur, constituteth the then lord chancellor high steward (*hac vice*) to do and execute all thing which to the office of high steward in that behalf do belong. The receiving and recording the confession of the prisoners, which amounted to a conviction, so that nothing remained but proceeding to judgment, was certainly an exercise of judicial authority, which no assembly, how great soever, not having full cognizance of the cause, could exercise.

In the case of lord Salisbury,* who had been impeached by the Commons for high treason, the Lords, upon his petition, allowed him the benefit of the act of general pardon passed in the second year of William and Mary, so far as to discharge him from his imprisonment upon a construction they put upon that act, no high steward ever having been appointed in that case. On the 2d of October 1690, upon reading the earl's petition, setting forth, that he had been a prisoner for a year and nine months, in the Tower, notwithstanding the late act of free and general pardon, and praying to be discharged, the Lords ordered the judges to attend on the Monday following, to give their opinions, whether the said earl be pardoned by the act. On the 6th the judges delivered their opinions, that if his offence was committed before the 13th of February 1688, and not in Ireland, or beyond the seas, he is pardoned. Whereupon it was ordered, that he be admitted to bail, and the next day he and his sureties entered into a recognizance of bail, himself in 10,000*l.* and two sureties in 5,000*l.* each; and on the 30th he and his sureties were, after a long debate, discharged from their recognizance.

It will not be material to inquire, whether the House did right in discharging the earl without giving the Commons an opportunity of being heard; since, in fact, they claimed and exercised a right of judicature without an high steward—which is the only use I make of this case. They did the same in the case of the earl of Carnwarth, the lords Widdrington and Nairn, long after the high steward's commission dissolved. These lords had judgment passed on them at the same time that judgment was given against the lords Derwentwater, Nithsdale, and Kenmure; and judgment being given, the high steward immediately broke his staff, and declared the commission dissolved. They continued prisoners in the Tower under reprieves, till the passing of the act of general pardon, in the third of king George 1st.

On the 21st of November 1717 [Lords' Journals] the House being informed that these lords had severally entered into recognizances before one of the judges of the court of King's-bench, for their appearance in the House in this sessions of parliament; and that the lords Carnwarth and Widdrington were attending accordingly; and that the lord Nairn was ill at Bath, and could not then attend; the lords Carnwarth and Widdrington were called in; and severally, at the bar, prayed that their appearance might be recorded; and likewise prayed the benefit of the act for his majesty's general and free pardon. [3 G. 1. c. 19.] Whereupon the House ordered that their appearance be recorded, and that they attend again to-morrow in order to plead the pardon. And the recognizance of the lord Nairn was respited till that day fortnight.

On the morrow the lords Carnwarth and Widdrington, then attending, were called in; and the lord chancellor acquainted them severally, that it appeared by the records of the House that they severally stood attainted of high treason; and asked them severally, what they had to say, why they should not be remanded to the Tower of London? Thereupon they severally, upon their knees, prayed the benefit of the act, and that they might have their lives and liberty pursuant thereunto. And the attorney-general, who then attended for that purpose, declaring that he had no objection, on his majesty's behalf, to what was prayed, conceiving that those lords, not having made any escape since their conviction, were entitled to the benefit of the act; [See sect. 45 of the 3 G. 1.] the House after reading the clause in the act relating to that matter, agreed that they should be allowed the benefit of the pardon, as to their lives and liberties; and discharged their recognizances, and gave them leave to depart without farther day given for their appearance.

On the 6th of December following the like proceedings were had, and the like orders made, in the case of lord Nairn. I observe that the lord chancellor did not ask these lords what they had to say why execution should not be awarded. There was, it is probable, some little delicacy as to that point. But since the allowance of the benefit of the act, as to life and liberty, which was all that was prayed, was an effectual bar to any future imprisonment on that account, and also to execution, and might have been pleaded as such in any court whatsoever; the whole proceeding must be admitted to have been in a court having complete jurisdiction in the

* See the Journals of the Lords.

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case, notwithstanding the high steward's commission had been long dissolved—which is all the use I intended to make of this case.

I will not recapitulate; the cases I have cited, and the conclusions drawn from them, are brought into a very narrow compass. I will only add, it would sound extremely harsh to say, that a court of criminal jurisdiction, founded in immemorial usage, and held in judgment of law before the king himself, can in any event whatever be under an utter incapacity of proceeding to trial and judgment either of condemnation or acquittal, the ultimate objects of every criminal proceeding, without certain supplemental powers derived from the crown.

These cases with the observations I have made on them, I hope sufficiently warrant the opinion of the judges upon that part of the second question in the case of the late earl Ferrers, which I have already mentioned. And also what was advanced by the lord chief baron in his argument on that question, "That though the office of high steward should happen to determine before execution done according to the judgment, yet the court of the Peers in parliament, where that judgment was given, would subsist for all the purposes of justice during the sitting of the parliament." And consequently that in the case supposed by the question, that court might appoint a new day for the execution.

APPENDIX, No 2.—QUESTIONS referred by the Lords to the Judges, in the impeachment of Warren Hastings, esq. and the Answers of the Judges.—Extracted from the Lords' Journals and Minutes.

Q. 1st.—Whether, when a witness produced and examined in a criminal proceeding by a prosecutor disclaims all knowledge of any matter so interrogated, it be competent for such prosecutor to pursue such examination by proposing a question containing the particulars of an answer supposed to have been made by such witness before a committee of the House of Commons, or in any other place, and by demanding of him whether the particulars so suggested were not the answer he had so made? 1788, Febry. 29.

A.—the lord chief baron of the court of exchequer delivered the unanimous opinon of the judges, upon the question of law put to them on Friday the 29th of February last, as follows:—"That when a witness produced and examined in a criminal proceeding by a prosecutor disclaims all knowledge of any matter so interrogated, it is not competent for such prosecutor to pursue such examination, by proposing a question containing the particulars of an answer supposed to have been made by such witness before a committee of the House of Commons, or in any other place; and by demanding of him whether the particulars so suggested were not the answer he had so made." 1788, April 10.

Q. 2d.—Whether it be competent for the managers to produce an examination taken without oath by the rest of the council, in the absence of Mr. Hastings, the governor-general, charging Mr. Hastings with corruptly receiving three lacks 54,105 rupees, which examination came to his knowledge, and was by him transmitted to the court of directors as a proceeding of the said counsellors, in order to introduce the proof of his demeanor thereupon; it being alleged by the managers for the Commons, that he took no steps to clear himself, in the opinion of the said directors, of the guilt thereby imputed, but that he took active means to prevent the examination by the said counsellors of his servant Cantoo Baboo? 1789, May 14.

A.—The lord chief baron of the court of exchequer delivered the unanimous opinion of the judges, upon the said question, in the negative — and gave his reasons. 1789, May 20.

Q. 3d.—Whether the instructions from the court of directors of the united company of merchants of England trading to the East Indies, to Warren Hastings, esq, governor-general; lieutenant-general John Clavering, the honourable George Monson, Richard Barwell, esq., and Philip Francis, esq. counsellors, constituted and appointed the governor-general and council of the said united company's presidency of Fort William in Bengal, by an act of parliament passed in the last session, intituled, "An act for establishing certain regulations for the better management of the affairs of the East India company, as well in India as in Europe;" of the 29th of March, 1774, par. 31, 32, and 35; the consultation of the 11th of March, 1775, the consultation of the 13th of March, 1775, up to the time that Mr. Hastings left the council; the consultation of the 20th of March, 1775; the letter written by Mr. Hastings to the court of directors on the 25th of March, 1775—it being alleged that Mr. Hastings took no steps to explain or defend his conduct —are sufficient to introduce the examination of Nundcomar, or the proceedings of the rest of the counsellors on said 13th of March, after Mr. Hastings left the council, such examination and proceedings charging Mr. Hastings with corruptly receiving three lacks, 54,105 rupees? 1789, May 21.

A.—The lord chief baron of the court of exchequer delivered the unanimous opinion of the judges, upon the said question, in the negative — and gave his reasons. 1789, May 27.

Q. 4th.—Whether the public accounts of the Nizamut and Bhela, under the seal of the begum, attested also by the nabob, and transmitted by Mr. Goring to the board of council at Calcutta, in a letter bearing date the 29th June, 1775, received by them, recorded without objection on the part of Mr. Hastings, and transmitted by him likewise without objection to the court of directors, and alleged to contain accounts of money received by Mr.

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Hastings; and it being in proof that Mr. Hastings, on the 11th of May, 1778, moved the board to comply with the requisitions of the nabob Mobarek ul Dowlah, to re-appoint the munny Begum, and rajah Goordas (who made up those accounts) to the respective offices they before filled—and which was accordingly resolved by the board—ought to be read. 1789, June 17.

A.—The lord chief baron of the court of exchequer delivered the unanimous opinion of the judges upon the said question, in the negative — and gave his reasons. 1789, June 24.

Q. 5th.—Whether the paper delivered by sir Elijah Impey, on the 7th of July, 1775, in the supreme court, to the secretary of the supreme council, in order to be transmitted to the council as the resolution of the court in respect to the claim made for Roy Radachurn, on account of his being vakeel of the nabob Mobarek ul Dowlah—and which paper was the subject of the deliberation of the council on the 31st July, 1775, Mr. Hastings being then present, and was by them transmitted to the court of directors, as a ground for such instructions from the court of directors as the occasion might seem to require —may be admitted as evidence of the actual state and situation of the nabob, with reference to the English government? 1789, July 2.

A.—The lord chief baron of the court of exchequer, delivered the unanimous opinion of the judges, upon the said question in the affirmative — and gave his reasons. 1789, July 7.

Q. 6th.—Whether it be or be not competent to the managers for the Commons to give evidence upon the charge in the sixth article, to prove that the rent at which the defendant, Warren Hastings, let the lands mentioned in the said sixth article of charge, to Kelleram, fell into arrear, and was deficient—and whether, if proof were offered that the rent fell in arrear immediately after the letting, the evidence would in that case be competent? 1790, April 22.

A.—The lord chief baron of the court of exchequer delivered the unanimous opinion of the judges, upon the said question;—"That it is not competent to the managers for the Commons, to give evidence upon the charge in the 6th article, to prove that the rent at which the defendant, Warren Hastings, let the lands, mentioned in the said sixth article of charge, to Kelleram, fell into arrear, and was deficient,"—and gave his reasons. 1790, April 27.

Q. 7th.—Whether it be competent for the managers for the Commons to put the following question to the witness, upon the sixth article of charge, viz. "What impression the letting of the lands to Kelleram and Cullian Sing made on the minds of the inhabitants of that country?" 1790, April 27.

A.—The lord chief baron of the court of exchequer delivered the unanimous opinion of the judges upon the said question—"That it is not competent to the managers for the Commons to put the following question to the witness, upon the sixth article of charge, viz. what impression the letting of the lands to Kelleram and Cullian Sing made on the minds of the inhabitants of that country,"—and gave his reasons. 1790, April 29.

Q. 8th.—Whether it be competent to the managers for the Commons to put the following question to the witness, upon the seventh article of charge, viz. "Whether more oppressions did actually exist under the new institution than the old?" 1790, April 29.

A.—The lord chief baron of the court of exchequer delivered the unanimous opinion of the judges upon the said question:—"That it is not competent to the managers for the Commons to put the following question to the witness, upon the seventh article of charge, viz. Whether more oppressions did actually exist under the new institution than under the old,"—and gave his reasons. 1790, May 4.

Q. 9th.—Whether the letter of the 13th of April, 1781, can be given in evidence by the managers for the Commons, to prove that the letter of the 5th of May, 1781, already given in evidence, relative to the abolition of the provincial council, and the subsequent appointment of the committee of revenue, was false in any other particular than that which is charged in the 7th article of charge? 1790, May 20.

A.—The lord chief baron of the court of exchequer delivered the unanimous opinion of the judges upon the said question—"That it is not competent for the managers on the part of the Commons to give any evidence on the seventh article of impeachment, to prove that the letter of the 5th of May, 1781 is false in any other particular than that wherein it is expressly charged to be false,"—and gave his reasons. 1790, June 2.

Q. 10th.—Whether it be competent to the managers for the Commons to examine the witness, to any account of the debate which was had on the 9th day of July, 1778, previous to the written minutes that appear upon the consultation of that date? 1794, Feb 25. Lords Minutes.

A.—The lord chief justice of th. court o Common pleas delivered the unanimous opinion of the judges upon the said question:—"That it is not competent to the managers for the Commons to examine the witness, Philip Francis, esq. to any account of the debate which was had on the 9th day of July, 1778, previous to the written minutes that appear upon the consultation of that date,"—and gave his reasons. 1794, Feb. 27. Lords Minutes.

Q. 11th.—Whether it is competent for the managers for the Commons, in reply, to ask the witness, whether, between the time of the original demand being made upon Cheit

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Sing, and the period of the witness's leaving Bengal, it was at any time in his power to have reversed or put a stop to the demand upon Cheit Sing—the same not being relative to any matter originally given in evidence by the defendant? 1794, Feb. 27. Lords Minutes.

A.—The lord chief justice of the court of Common pleas delivered the unanimous opinion of the judges upon the said question:—"That it is not competent for the managers for the Commons to ask the witness, whether, between the time of the original demand being made upon Cheit Sing and the period of his leaving Bengal, it was at any time in his power to have reversed or put a stop to the demand upon Cheit Sing, the same not being relative to any matter originally given in evidence by the defendant,"—and gave his reasons. 1794, March 1. Lords Minutes.

Q. 12th.—Whether a paper read in the court of directors, on the 4th of November, 1783, and then referred by them to the consideration of the committee of the whole court; and again read in the court of directors on the 19th of November, 1783, and amended and ordered by them to be published for the information of the proprietors, can be received in evidence, in reply, to rebut the evidence given by the defendant, of the thanks of the court of directors, signified to him on the 28th of June, 1785. 1794, March 1. Lords Minutes.

A.—Whereupon the lord chief justice of the court of Common pleas, having conferred with the rest of the judges present, delivered their unanimous opinion upon the said question in the negative—and gave his reasons. 1794, March 1. Lords Minutes.

The above Report was ordered to be printed.

Debate in the Commons on the Bill to enable Subjects of France to enlist as Soldiers, &c.] April 11. On the order of the day for the second reading of the Bill "to enable Subjects of France to enlist as Soldiers in regiments to serve on the continent of Europe, and in certain other places, and to enable his Majesty to grant commissions to subjects of France to serve and receive pay as officers in such regiments, or as engineers, under certain restrictions,"

Mr. *Baker* said, that the principle of the bill he approved, because it was undoubtedly necessary to increase our force in the first instance; and, in the next place, it was better to employ those men, who might be considered as fighting their own cause, than to suffer them to remain a dead weight on the country. Nevertheless, he had decided objections to the bill. He had heard it was intended to introduce a clause subjecting them to be treated as aliens, if they did not inlist. The hand-bills about the town offering levy-money, though he did not know from what authority they came, gave him a strong suspicion that such a measure was in contemplation; and if so, it merited the highest reprobation, as a measure of singular hardship and oppression, on the one hand, of folly, of extravagance on the other; because he could not conceive any good reason why men should be induced to fight their own battles, by the same temptations as natives of this country, who were not personally concerned in the quarrel. The provision for their future casual introduction into this country gave him great alarm. The terms made use of were suspicious: they were to be landed for air and exercise. He contended, that the term "exercise," when undefined, might include hostile operations, as training to arms was the proper exercise of soldiers, which included war and all its relative concerns. He wished to know what security we had that there should not be 60,000 of them landed, and all of them under military law? The bill also provided, that when such troops were to be landed, notice was to be given to parliament if sitting, if not, as soon after as parliament should meet. He, for one, did not think notice to parliament, but the consent of parliament, necessary upon such occasions; more particularly so, as parliament might be a long time without meeting. These were all objections upon which he said he should expect some explanation.

Mr. *Pitt* said, that in the whole course of his life, he had never heard so unparliamentary and so illogical an argument against a bill in that stage of it, as the speech of the hon. gentleman. It would be unnecessary for him to state the principle upon which the bill was introduced, as the hon. gentleman had himself done it briefly in the two ideas, namely, the necessity of augmenting our force, and the propriety of that force being French. As to the supposed clause about aliens, none such was intended; since it would be perfectly useless, all that were the objects of this bill being included in the alien bill already passed. With respect to levy-money, there was not one word about it in the bill: not but that it might be found necessary to give somewhat to particular individuals, whom it would be

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hard to prevent resorting to the place of rendezvous, for want of the means to carry them there; but this would more properly fall upon that fund, which, in time of war, was afforded to his majesty by a vote of credit, at the end of the session.

Mr. *Fox* thought it singular, that the House should be called upon to give their votes for any such novel measure, without having some solid reasons previously assigned to induce them to adopt it. None such had he yet heard. He supposed the right hon. gentleman had objects in view in the course of the present campaign very different from those of the last, when no such bill was thought necessary. Why, then, did he not state his reasons for not adopting such a bill last year? For his own part, he would oppose the bill altogether.

Mr. *Jenkinson* said, that the reasons which made the adoption of the bill necessary now, did not exist last year. We had reason to hope that we should be able to penetrate the interior of France in the present campaign; and none could afford us more assistance in the accomplishment of that object than Frenchmen.

General *Smith* supported the bill, upon the ground, that these emigrants were the very best troops to be employed against France, because they had a personal interest in the success of the operations, and would be obliged to fight with the utmost desperation, well knowing, that if taken prisoners, they had nothing less to expect than an ignominious death.

Mr. *Lambton* opposed the bill, as it seemed to lead to a determination on the part of this country to establish the ancient despotism of France—a despotism which not even the people of that country would now submit to. What were we doing? We were paying money to the prince of Hesse-Cassel, to the Sardinians, to the Hanoverians, and he had that day heard of an enormous subsidy we had agreed to pay the king of Prussia. Taking along with these, the subsidizing of Frenchmen, the subjects of this country would find it extremely difficult to pay the taxes necessary to defray the interest of the expenditure. Were these sums to be paid to British soldiers, they would still circulate in the country; whereas, by being sent abroad for the payment of foreigners, not a single shilling would ever find its way back again. He objected to the bill on the ground of its being contrary to that constitutional jealousy which distinguished our forefathers, and made them even send away the Dutch guards of king William. If our ancestors acted so to the deliverer of this country, how much more incumbent was it on their posterity to be jealous of foreign troops, when such jealousy could not be liable to any charge of personal incivility or disrespect to their sovereign!

Mr. *Ryder* said, that he had waited some time expecting an argument, and he had heard but one or two which deserved an answer. One hon. gentleman had blamed administration for not adopting this measure earlier. It might be said, that it was never too late to mend; and if the measure were good, it was proper to be adopted as soon as possible. As to the idea of establishing the ancient despotism in France, he could not conceive a weaker or a more groundless suggestion; the utmost that could be said was, that Great Britain wished to protect all those who opposed the present government of France. He conceived it to be much better for this country to have foreigners to fight its battles, than to send the people out of the country, and incur the regret of losing so many of our fellow-subjects. As to the danger arising to the constitution from foreign troops, he conceived there was none; and when he looked back at the conduct of our ancestors, he reflected with regret on the indecent, ungrateful, and brutal treatment which the friend and deliverer of this country had met with, instead of the confidence and cordial support to which he had been so eminently entitled.

Mr. *Sheridan* declared, he never had heard so extraordinary a bill defended in so extraordinary a manner. The hon. gentleman over against him seemed surprised that any objections should be made against it; just as if it was a mere matter of course, to take into the service of this country an immense body of Roman Catholics, foreigners, and men who had taken no test whatever. This was a decided declaration of change of system. An hon. gentleman (Mr. Jenkinson) had partly communicated this new plan of the operations of the campaign, which was, to get into the interior of France. That plan should have been adopted last year; instead of which, a narrow and miserable system had been pursued, that of attacking paltry and insignificant places. What new circumstance had occurred this year to make such a plan necessary? Was it

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the circumstance of our having broken our faith with the people of Toulon? Was it the circumstance of our having deceived the unfortunate royalists of La Vendée? After every means of making an impression in France seemed to have vanished, a new light broke in upon us, and we were to adopt a measure, which there was not a single circumstance at present to justify, although there had been some last year. His objection went to the whole bill at once, as unnecessary and unconstitutional. He could conceive nothing more cruel, than driving unfortunate persons into the field, with a certainty of destruction. If these Frenchmen in our armies should be so treated on being taken in battle, were we to revenge their fate, and retaliate on the French prisoners in our possession? ["Yes," exclaimed Mr. Burke.] Good heaven! replied Mr. Sheridan—consider that the lives of millions may depend upon that single word—that you will introduce a system of human sacrifice all over Europe, by such a measure—that you send these poor unfortunate beings into the field with halters round their necks, as a part of their accoutrements. Nothing, he was persuaded, but the warmth which the right hon. gentleman felt on ministerial questions, could have led him into an expression which might be the herald of cool massacre to many of our own troops. He hoped that the House would never place the armies of Great Britain in so deplorable a situation; that it would turn with horror from a system of barbarous and execrable warfare hitherto unknown in the history of civilized Europe. This was the first time in which it had been acknowledged, from ministerial authority, that France had "subjects;" and we might be assured, that the present government of that country would treat those subjects as rebels whenever they found them fighting in the pay of Great Britain.—In a constitutional point of view, he held the bill to be a most dangerous one. Martial law, to which the men were to be subjected, was to be left entirely to his majesty, without any limitation whatever, It might be made a law, that, in case of disobedience to any order, they should be punished with death; and it was not impossible that the king might be persuaded by his advisers to employ that army in overthrowing the free constitution of this country. It was, besides, natural to conclude, that a body of men, smarting under the lash, and detesting even the name of liberty, might be inclined to do any thing that might bring about that despotism which was so dear to them; on that ground, therefore, placing them under the power of the crown left little security for the liberties of Englishmen. To many it might seem of no trifling consequence to have such a body of French Roman Catholics, without test or regular allegiance, at the disposal of the executive government; to him their opinions, in respect to religion, were of no very great importance. Let it be recollected, however, that if, in this age of liberality, and religious tolerance, it was not deemed unsafe to entertain in the kingdom an army of possibly 30,000 Roman Catholic foreigners, what an insult did we offer to the Roman Catholics of England, in continuing those oppressive and degrading restrictions, notwithstanding which they eminently distinguished their loyalty, and manifested the most dutiful spirit of allegiance! If this bill should pass, he should think it his duty to bring, without loss of time, the situation of that meritorious class of subjects, the English Roman Catholics, as well as all the other dissenters, under the review of parliament, of which he was desirous that what he then said should be considered a sufficient notice; and the object of his motion would be, that all tests, on account of religious opinions, should be abolished.

Mr. *Burke*, with great gravity, professed himself sorry for the resentment which his having uttered the monosyllable "Yes," had occasioned in the mind of the hon. gentleman; he hoped, however, that the monosyllable that gave the hon. gentleman offence, contained little or nothing of the deleterious poison imputed to it. With regard to passion, he was too old to entertain any upon the subject of France. It had, for a considerable time, occupied much of his serious deliberation; and whatever he thought or felt upon it, was not a momentary impulse, but the result of calm, settled, and well-considered judgment. This passion, if he felt any, might fairly be construed into malice prepense; and if he killed a man, under its influence, he was ready to admit, that he should be guilty of murder. The smile or laugh alluded to by an hon. gentleman, when he talked of the former despotism of France, he could seriously assure him, was not a smile of levity, but a smile of bitterness and sorrow, arising from a conviction that France must pass through many severe

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trials, must swallow many a bitter pill, before she could be restored to that happy despotism under which he once saw her flourish. That mild, temperate, chastised government which they experienced under the monarchy, he was afraid, would be very long before it would return; if indeed it were probable that it would ever return again. If he were indeed passionate, if he were inflamed by inveterate antipathy and national animosity against that unhappy country, he could wish them no greater misery than a lasting continuance of that under which they at present laboured. The condition of France at this moment was so frightful and horrible, that if a painter wished to pourtray a description of hell, he could not find so terrible a model, or a subject so pregnant with horror, and fit for his purpose. Milton, with all that genius which enabled him to excel in descriptions of this nature, would have been ashamed to have presented to his readers such a hell as France now was, or such a devil as a modern Jacobin; he would have thought his design revolting to the most unlimited imagination, and his colouring overcharged beyond all allowance for the licence even of poetical painting.—The assertion that this was a war of freedom against despotism, was equally fallacious and false. It was a war of perfidious rebellion against honourable loyalty, of infidelity against religion, of robbery against property, of murder against humanity, of barbarity against social order. He wished, if possible, to rescue the deluded people of that country from their infatuated freedom, a rescue, in the earnest desire of which every well-disposed person remaining in France must devoutly join. We talked here of the liberty of the Fleet, the liberty of the King's-bench, &c. from which the French also seemed to have taken all their ideas of freedom; for the liberty of France at this moment centered in a gaol. There was not an inhabitant who was certain of one moment in which he should not be removed from his own house to one of those dens of freedom; and how happy must they find themselves in a general gaol delivery!—An hon. gentleman had asked, whether it was the intention of his majesty's ministers to re-establish the old despotism of France, by sending French troops into that country? What were the objects of the emigrants who would enter into our service? To liberate their wives and their children to be restored to their properties, to get possession of their vineyards, their olive-trees, and their fig-trees. This was the horrible old despotism of France. Despotism and liberty, as the honourable gentleman made use of these terms, were mere words. In the speeches of many gentlemen for some time past, the words liberty and despotism formed a very considerable ingredient; so much so, indeed, that it reminded him of a lawyer, who, while making a very laboured harangue, was twirling a string from side to side with a great degree of violence. Some person having found an opportunity, conveyed away the string, whereupon his eloquence instantly failed him, and he loudly exclaimed, that "they had cut short the thread of his discourse." Thus it was with those gentlemen; take away the words liberty and despotism, and they could not get on a step farther. With them, if a man wished to preserve his wife and children from the guillotine, and retire into the bosom of his family—it was despotism. If a man was desirous to recover the estates transmitted to him by a long line of ancestors — it was despotism. If a husbandman wished to repose in his own farm under his fig-tree, his olive, or his vine—that was despotism. If a farmer chose to keep five bushels of corn for the use of himself and his family—that also was despotism. In short, every thing was despotism which did not partake of that hideous system which was now the basis of what were termed the liberties of France.—It was not for any particular system of government that he contended, but for some government. Let it be a pure monarchy, a democracy, or an aristocracy, or all mixed, he cared not, provided a government did exist, the first principle of which must necessarily be security to property, because, for the protection of property, all governments were instituted. First, therefore, restore property, and afterwards let that property find a government for itself. The number of its inhabitants constituted the strength of a nation, but it was property alone on which government was formed. If the formation of government was committed to the no-property people, the first thing they would do, obviously would be, to plunder those who had property, and the next thing would be, to plunder and massacre each other. After

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all, if it were asked, did he prefer property to virtue? his answer would be no. To honour?—No. To morals?—No. To arts and literature?—No. But he respected property in as much as it was the basis upon which they were all erected—the soul that animated, the genius that protected them. In France were the poor better treated than the rich? Were they not forced to rise *en masse*? To account for every bushel of corn in their possession? The shopkeeper was put in requisition to make shoes for the armies. No labourer knew whether he should enjoy for a day his earnings, or even his liberty or his life. The original fault in the proceedings of the French revolution was, that property was not permitted to have a vote. Every effort had been made to exclude it from legislation. But the object of liberty was property; and when the no-property got the power into their hands, they would soon begin to rob and murder. Reverting to the precise question in debate, he thanked the minister cordially for the wisdom and justice of the measure, and made an appeal to Mr. Lambton and other gentlemen, on the situation in which they, and men of great property like themselves, must be placed, should the system of Jacobinism ever take place in this country; and that it would take place, there was real ground for apprehension, unless all those who had a stake to risk of their own, as well as a general regard for the interests of the British empire, took some pains by their influence to preserve order, enforce due subordination, and maintain quiet and tranquillity, by convincing the people that their true happiness consisted in a continuance of that constitution, and that government, under which they daily experienced so many inestimable blessings. Without wishing to be a prophet, he had no difficulty in declaring, that, if French property was not restored, property in England would not be worth ten years purchase. He was sorry to find the hon. gentleman (Mr. Sheridan) determined to oppose this bill. He admired and feared that gentleman's talents, and regretted that he should meet with opposition from him.

Mr. *Francis* said, that on this occasion he had listened to the speech of his right hon. friend, as he had formerly on many others, with equal pleasure and instruction. That in general he concurred in almost all the opinions he had now expressed, and particularly in every thing he had said of the effects of property on the relations, duties, improvements and securities of cultivated life and civilized society. It is not possible, in my mind, for any man to think more deeply, or to express his thoughts more happily than my right hon. friend has done on this subject. On two points only I differ from him a little, in which I think the application of his opinions to the actual condition of the French is not conformable to the state of facts. In the first place, it is not fair in argument to conclude, from any premise he has stated, that the convulsions and calamities produced by the revolution in France, are likely to be permanent, or that this violent state of things can continue very long. Either the violence of such extreme disorders must cure them soon, or the nation must perish by its own hands. But, when we compare the anarchy that prevails now with the despotism that went before it, let us always remember that the first has lasted but two or three years, whereas the second had endured for ten or twelve centuries. Mankind cannot exist in a perpetual convulsion. The French must either settle soon into a tolerable government, or they must relapse into slavery.—The other point on which I disagree with my right hon. friend is, the actual unhappiness and misery which he supposes the French in general to suffer from the monstrous abuses in their present government. I do not believe that this is the fact. Setting aside the immediate objects and victims of their cruelty, I very much doubt whether the French in general are such sufferers as he conceives them to be. There is a great equality in the situation of individuals. No man enjoys or endures more than his neighbour. In all general suffering or distress, it is a great alleviation to see that no man is exempt from it. Neither, in fact, do they feel or suffer as they would do in cold blood, or as if they were in a state of repose. They are eager in a pursuit, and disregard the fatigue of it. They are in the heat of a battle, and do not feel the wounds they receive in it.—Another question has been started on which I very much differ from an hon. gentleman, I mean, the propriety of refusing to gratify king William on the subject of his Dutch guards. This refusal the hon. gentleman has thought proper to call indecent, ungrateful, and

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brutal. It is no business or duty of mine, Sir, to find fault with such language, as long as you not think fit to take notice of it; otherwise I should have thought it highly irregular and disorderly for a member of the House of Commons to qualify a solemn deliberate act, or any act of this House, with such opprobrious epithets. But, setting aside the point of order, does the measure in question deserve to be so reprobated? In my opinion, directly the reverse. If I had lived at that time, and been a member of that House of Commons, I should certainly have concurred in the vote and joined in the address on that occasion. Not that I should have thought the Dutch guards, in point of numbers, an object of jealousy or concern; not that I should have distrusted king William, or thought it likely that he either would or could have made a dangerous use of so inconsiderable a body of foreign troops, if his request had been complied with: but, as a trustee for the nation, I should not have thought myself at liberty to compliment the king at the expense of a strict duty to the country, and possibly at the future hazard of the constitution: least of all would I have suffered a precedent to be established in the person, and under the government, of a good king, which might grow to be formidable in other hands, and which might possibly be turned to the most dangerous purposes by those who succeeded him. It is in good times particularly, and under virtuous princes, that men ought to be most jealous of innovations introduced into their government, because, in those circumstances it is most likely that irregular acts will be little regarded, or readily submitted to, which afterwards become precedents, and are appealed to as the example and practice of good times. But, in those days, I think I should have gone farther. I think I should have asked king William, what occasion had he for any Dutch guards at all? If he was an English king on true English principles, he ought to have confided in the people of England, and ought not to have looked for any other defence or security, but that which he derived from the attachment and affection of the people. If that would not have satisfied him, the parliament should have sent him back to Holland. He might be a good stadtholder for the Dutch, but he never could be a good king for the English. On the general risk of admitting foreign troops into the country, I presume, it is hardly necessary to enlarge. He who would trust the crown with the right to introduce, and the power to command, a foreign army in the heart of England, might as well save himself the additional expense of that mode of coercion, and submit at once, and in every thing, to the will of the executive power. But of all foreign troops which any state can employ, the most dangerous would be an army of emigrants; I mean, of such emigrants as have a hope or a prospect of returning to their own country, and recovering their establishment there. A foreign force of that sort is doubly dangerous; if they are faithful, they may oppress; if they are treacherous, they may betray us. A banished man, who looks back to his country and solicits your assistance to enable him to return to it, is seldom to be believed, and never to be trusted. But independent of the principle of the present bill, the provisions of it are certainly the most absurd and dangerous that can be imagined. These "subjects of France," it seems, in the first place, may serve "in any part of the continent of Europe." To that I say nothing. They can do us little mischief on the continent except by desertion. But then they may serve "in the islands of Guernsey, Jersey, Alderney, and Sark: or in any of the islands, part of the dominions of his late most christian majesty in the West-Indies;" that is, they are appointed and allotted to act in the very places, where of all others, it is most imminently hazardous to employ such troops. I cannot consent to trust them with the defence of Guernsey or Jersey. They will be too near France for one purpose and too near England for another. I will not trust them in any of the French West-India islands, which we may happen to get possession of. If they must be employed at all in the West-Indies, if I am forced to an option, I would rather let them be stationed in our own islands, in Jamaica, for example, much rather than in Martinico. I would not let them come in contact with their own countrymen. I would not put them in the way of temptation; nor give them an opportunity of communicating, in the same native language, with persons of the same original habits, inclinations, and interests with whom they may compound, or by whom they may be seduced. They

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are Frenchmen still; and as long as they have a spark of French honour in their minds or a drop of French blood in their veins, they cannot wish to promote the conquest, or endure to see the utter downfal of France. But no,—they expect to be restored to it. In what condition are they to find it? Under what power are they to live? They cannot bear to submit to the present French government. Yet it seems, they are to be contented and happy in seeing their country over-run and wasted, their estates and houses occupied, by armies of Austrians, Prussians, Hungarians, Pandours, Hulans and banditti of every German denomination. The alternative, I confess, is either way deplorable. Still, however, there is a material difference in the two cases. While the present system prevails, the emigrants are dispossessed of their rights and their property. But if France be conquered, especially by these despots, they will then lose not only the possession, but the inheritance for ever These are the absurdities:—now let us look to a much more important object, the danger of this measure to the liberty of England. The bill provides, that, "if it shall be deemed necessary or expedient." viz. by the executive power, "to land such troops in any part of Great Britain, for health or exercise, it shall be lawful so to do." So that now, at the close of the eighteenth century, in not more than a hundred years after the Revolution, the king may introduce an army of French Roman Catholics to an unlimited amount, by law, into the heart of England, and no man is startled at such a proposition! But, then, there are guards and securities to be given us against any possible abuse of this extravagant trust. First;—these troops are not to march beyond a limited distance from the sea-coast. They may be brought "to any port or place in Great Britain, but, as long as they stay there, or only march a few miles into the country for health or exercise, there is no danger! Suppose they choose to march farther;—suppose, for example, that Sussex or Hampshire should not agree with them, and that change of air should be prescribed by their physicians. They remove into Surry for the benefit of the air? What shall prevent their coming up to London?—Sir, I put nothing but a possible case, when I state that, by this law there may be an army of 30 or 40,000 French Roman Catholics, or or of others, under that title, in the heart of England at the disposal of the crown. But there is a second security, graciously granted in the bill which obviates every danger, and answers every objection. It is "provided also that notice of landing such troops shall, within so many days after such landing, be given to both Houses of parliament, if parliament shall be then assembled, and if not, then within so many days after the next meeting of parliament." In the first place, parliament, if not assembled, may know nothing of the matter, till many months after the landing. But what signifies the communication to parliament, unless it can be shown that, by a naked vote or address we can at any time stop the approach of such an army to the capital, or oblige them to quit the kingdom? Do you think that your resolutions will avail any thing against an armed force of French Roman Catholics, when once you have permitted them to enter the country? If ever the case happens, I have no doubt about the consequence. In that unhappy hour, you will find that forms will not save you. Such a power, employed as it may be, will soon make the House of Commons, the House of Lords, and the King himself useless.

Mr. *Grey* condemned the sudden and unprepared manner in which the present important measure was brought forward, and thought it highly dangerous to the constitution. He paid many compliments to Mr. Burke, whose talents and eloquence had not, he said, a more sincere admirer than himself, and from many of whose opinions he thought it impossible for any one to dissent. Of the present state of France, he had expressly declared his opinion already, namely, that he would rather live under the power of Nero or Caligula than there; but, in acknowledging the horrors and devastations of that country, he was bound also to inquire into their cause, which he believed to consist in the ancient despotism of that kingdom, and the combination of the allied powers. The restoration of the old despotism of France would, in his opinion, be the greatest curse that could happen to Europe, for it would produce in some time, that confusion and distraction that now desolated that unfortunate nation. All despotisms contained, in his opinion, the seeds of their own destruction. It was to the malignity and tyranny of the old despotism, added to the efforts

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of the confederate powers, that all the present misfortunes of France were to be imputed. With regard to the effect which the example of France might have upon this country, it depended entirely upon our own conduct. If we refused to adopt moderate measures for the relief of the people, we might urge them to rebellion. In giving his opposition to this bill, as a measure of great danger and impolicy he entertained doubts of its success; and declared that such was the overbearing influence of the present system, that he was inclined to relinquish all farther efforts and retire from public life, where the only effect of his exertion was personal odium and disapprobation.

The question being put, that the said bill be now read a second time, the House divided:

Tellers.

YEAS	Mr. Serjeant Watson - Mr. John Smyth - - -	105
NOES	Mr. Grey - - - - - Mr. Sheridan - - -	21

So it was resolved in the affirmative.

April 14. On the motion for going into a committee on this bill,

Colonel *Tarleton* said:—This bill, Sir, is of so peculiar a nature, and seems to be fraught with consequences of such infinite importance, that it behoves every individual to give it his assent or dissent, and in his own language, that his sentiments may be scanned by the present generation, and recorded in the annals of parliament. The subject which now occupies the attention of the House is one of the links of the same chain which his majesty's ministers, since the commencement of this session, have prepared for the liberties of this country. It requires not much ingenuity to discover that this bill is connected with the recent alteration made in the militia bill, and materially allied to the county subscriptions. Step by step, ministers proceed to undermine the constitution, and inthral the liberties of Englishmen. I think it necessary briefly to point out the glaring absurdities contained in this bill. It bears in its preamble "to enable Subjects of France to enlist as soldiers, to serve on the continent of Europe, &c." Does not this evidently pronounce itself delusion? When the rebellions against the existing government of France were in full force in La Vendée and at Lyons, when Toulon was in our possession, did we adopt these measures? No. But we begin to conspire and to combine when France appears impregnable. Against whom are we calling in these auxiliaries? The object must have a different situation, or else the system, I may fairly infer, must be founded in incapacity and delusion. I cannot but express my disapprobation and astonishment at the tenor of the second clause. What! land any indefinite number of men in England, and allow them to serve there at all! I ask the House, where Portsmouth and Plymouth are situated? Are they not on the coast? Are foreign troops, then, to take possession of those naval bulwarks of the kingdom? Are our dock yards and arsenals to be entrusted to Frenchmen? Can any man read this clause without astonishment? Could any man view such a debarkation of troops without dread? I shall now say a few words upon that ill-omened monosyllable made use of by a right hon. gentleman on a former occasion; that emphatic and formidable "Yes," indicates a meaning more expressive than all the amplification the most eloquent man within these walls could call to his assistance. These troops, then, if employed in France, are to march with halters round their necks, and in case of misfortune, we are to retaliate. Then, indeed, a bloody scene commences, when the scabbard is thrown away; and the conduct of our minister reminds me of one of the grandest and most awful passages in our first poet:

"And let the world no longer be a stage,
To feed contention in a ling'ring act;
But let one spirit of the first-born Cain
Reign in all bosoms, that, each heart being set
On bloody courses, the rude scene may end,
And darkness be the burier of the dead!"

I firmly believe the passing this bill will destroy the privileges of Magna Charta, undermine the Bill of Rights, set at nought some of the important provisions of the act of Settlement, and finally annihilate the British constitution.

Sir *W. Young* confessed that he thought the present bill as wise and as necessary a measure as ever had been proposed by the legislature. It certainly had an intimate connexion with the late measures of administration. The same reasons which justified the subscriptions, would convince the House of the necessity of the present measure; both having but one end, the public safety. From the doctrine of re-

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taliation, at which gentlemen seemed so much alarmed, those dreadful consequences were not to be feared; because there had been troops precisely in the same situation in which those French corps would be, and nothing of the danger, which gentlemen apprehended, had ever occurred; that objection would have been equally applicable, had they given assistance to the insurgents in La Vendée, a measure which gentlemen opposite had so frequently recommended.

Mr. *Whitbread* said, that he had felt so many objections arise in his mind, ever since he had first heard of the adoption of this plan, that he could not help expressing his disapprobation thereat. He was of opinion with an hon. friend, that this was another link of that oppressive chain, which ministers had been forging for the people of this country. If the adoption of this bill should establish the opinion, that we were fighting to restore despotism, the gentlemen opposite should be strenuous opposers of it; as they had declared repeatedly, that it was never the object for which we entered into, or continued the war. The present bill, he maintained, was altogether unnecessary for the purposes of those who were its promoters. The Alien bill, gave them despotic power. Under that bill emigrants might have been compelled to enlist, or, quit the country; and with the alien bill in one hand, and bounty money in the other, there could exist no doubt of their success.—Another objection which he had was, the situation that those unfortunate persons were placed in by the bill; they were sent with a halter about their necks into the field, a situation in which no soldier in the pay of Great Britain should be placed. He wished to know if they meant to establish it as a principle, that a power at war with another might induce its subjects to take up arms against it. If such principles were maintained, and the doctrine of retaliation to follow, woe be to this nation, and woe be to mankind! for desolation and bloodshed must be the inevitable consequences. That monosyllable which expressed an assent to those doctrines should be explained, and ministers ought to declare if such was the opinion they maintained. Another objection was, the expense with which this measure would be attended, a consideration which he thought it proper to attend to. Great and extended operations, such as those of this country, must be attended with considerable expense. The resources of the country were great, undoubtedly; but, like all other human means, finite. The termination of the war was yet far distant; we had been acting in a circle, and were now as far removed from the completion of our object as when the duke of Brunswick commenced his career in 1792. It had been asserted, that this corps could not be embodied sooner with advantage, which he contended might have been done with infinitely greater prospects of success at the commencement of the war. It was supposed that the finances of France would not hold out to support her through a single campaign; but the embattled arithmetic of the noble lord (Mornington) had been carried away by the point of the bayonet. The question was now, whether their finances would not endure longer than those of the allies? The finances of the king of Prussia were already exhausted, as appeared from his own declaration. Perhaps Austria might soon find itself in the same exhausted situation. The war was then, to be supported by English intrigue, paid for with English money, and cemented by English blood; of which too much had already been wasted, on a system of folly and injustice, commenced by our ministers by a false alarm, and continued by delusion, and that for the purpose of imposing a form of government on a people, who had a right to choose it for themselves.—This measure went to the utter subversion of the act of settlement; it empowered the king to have any number he pleased under his command of foreign troops; to increase them when he pleased, to make for them and their officers what law he pleased, and if any danger should arise from all this, there was no remedy which could possibly be applied.—He would here take an opportunity of recalling an opinion he had given, when, on a former occasion, some gentlemen had insinuated the policy of introducing the criminal law of Scotland into this country, that he hoped, if any person were to make such a motion, some one would be found bold enough to impeach him. This had dropped from him in the warmth of debate: he had since found his error, and was convinced that no member could be impeached for any motion he should make in that House, however dangerous its

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tendency. He thought, that knowing himself in an error, he ought to confess and retract it.

Lord *Mulgrave* rose chiefly to answer that part of the speech of the hon. gentleman who spoke last, which related to retaliation. He observed, that when he was at Toulon, there were persons serving in that garrison on an important post, who were surprised and taken. It was stated that they were massacred in cold blood; he had taken pains to inquire into that subject, and directed other officers to do the same, and had found that no such event had happened. So far from it, there was not the least danger to be apprehended; but at the same time he was far from pledging himself, as to what might happen on such occasions; but if a contrary conduct should be adopted by our enemies, we must pursue the same measure, if we intended to bring this war to a successful conclusion. A contrary doctrine would lead to the most dreadful situation; for if the enemy should pursue this method of assassination, and should find that we would not do every thing in our power to deter them, they would bully us with the threat of it from day to day, for the purpose of inspiring terror. He knew it was not the custom of civilized nations, or of modern times, to put prisoners of war to death; but if our enemies deserted that civilized practice, we must in justice to ourselves retaliate. He was perhaps going to involve himself in censure for what he was going to say; but candour demanded it, and he would speak plainly. The ground on which he intended to proceed at Toulon, was this: He should have sent out a flag of truce, stating to the enemy, that if any such violence to the law of nations, and to the feelings of humanity, were offered by them, he should, man for man, retaliate. However cruel that might appear in us, and however repugnant to the feelings of human nature, he believed it to be necessary in such a situation; for if we did not proceed on equal terms, we could not carry on war at all. He observed, that about 150 British had been taken by the enemy; twelve of them escaped, and from them it appeared that the French on that occasion gave no quarter. After this, would it be wise in us to be bullied by our enemies and to show them that we were afraid of their inhumanity.

Major *Maitland* said, the bill was unconstitutional in its object, and fatal in its tendency. When a right hon. gentleman had, on a former occasion, declared his sentiments on the nature of property and government, he should have taken into consideration, that if the property of France had been true to itself, the present government would never have arrived to the pitch of power it now maintained; but instead of standing by, and supporting their property against encroachments and despoliation, they fled. Were these the people whom we now employed to fight for the recovery of that property which, when in possession of, they would not defend? Those men who deserted their property and their king, and left him to an ignominious fate, were now to be employed to recover that property, and defend our king. He then spoke to the doctrine of retaliation, a doctrine replete with horror, bloodshed, and devastation. He contended, as a principle founded on the law and custom of nations, that any French subject taken in arms against his country, was liable to be hanged: and it was admitted in the very preamble of the bill, that they were subjects of France. If any of these persons were taken bearing arms against their country and hanged, should we retaliate against them, by putting to death any unfortunate Frenchman that might be so unhappy as to fall into our hands, as the victims of our vengeance: or as the noble lord suggested, give him up to the French in our pay, to treat as they thought fit? Was it probable that the French would confine themselves to such French prisoners as they might take? Certainly not. Britons would be made a sacrifice; and when once this scene of carnage commenced, where would it terminate? We knew not how soon our dearest connexions might fall a sacrifice to this infernal system. We should recollect that the sons of our sovereign were employed in this war, and might become the victims of this barbarous system. He contended, that the several powers vested by the bill were incompatible with the grand principles of our constitution; that they militated against Magna Charta, the Bill of Rights, and the act of Settlement, for which reason he should oppose the Speaker's leaving the chair.

Mr. *Montagu* approved of the bill, as a measure, tending to an almost immediate peace, and without danger to the constitution. More force might be ob-

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tained by embodying the discontented French, now that all descriptions of men, forgetting their former differences, were disgusted with the present rulers, than from our allies. The very circumstance of such men having no mercy to expect from their opponents in the field, would make them more true to us. Retaliation in war was partly matter of right, and partly matter of expediency. Men went to war with the intention of killing one another, and if they spared prisoners, it was only on the supposition of mutual convenience. In various instances of civil wars, the idea of mutual convenience had prevailed over the notion of right, and prisoners had been spared on both sides. Such might be the case in the present war. The restoration of the old despotism of France, if he had not heard it expressly disclaimed by ministers, he had too much confidence in their good sense, to believe to be their object. There was no forcing back the river to its source, or stopping the tide of the ocean. A new despotism worse than the old might succeed under the iron hand of an usurper, but the old could not be restored. Gentlemen on the other side know well that the object of ministers was a safe and speedy peace.

The House then divided on the motion, That the Speaker do leave the chair, Yeas, 130: Noes, 28. The House then resolved itself into the committee.

April 17th. The Bill was read a third time. On the motion, that it do pass,

Mr. *Harrison*, as a guardian of the public purse, could not consent to place confidence in his majesty's ministers to the extent required by the present bill. It was, in his opinion, unconstitutional, and dangerous to the liberties of the country, to embody and fasten in its bosom, an army composed of emigrants from a country which had for ages been considered as our natural enemy. The severe measures which government had found it expedient to adopt for the regulation of those persons resident in this kingdom, were sufficient to establish that their object was inimical; and yet the remnant, who perhaps had the address to elude the vigilance of the statute, were now to be defenders of those liberties which ought to be entrusted solely to nations who had an interest in their preservation. If, for the support of the war, ministers were driven to such desperate expedients, he trusted their conduct would open the eyes of the people, and induce them to demand an immediate peace.

Mr. *Fox* said, he was really sorry, at that stage of the business, to trouble the House, as their minds must be, to a considerable degree, made up upon the subject; but he absolutely felt himself called upon to say at least a few words, because the bill appeared to him in some points of view, to be of the utmost importance, and, if carried into effect upon those principles upon which it had been maintained, likely to produce consequences of the most alarming tendency, and calamities the most dreadful that ever war in modern times had produced. In the earlier stages of the bill, he was not very anxious to deliver his sentiments upon it, because he wished to be silent as to his objections, until he had heard the reasons which should be urged in its favour; and although the House was then in the last stage of it, the same distress and difficulty remained as to the principle upon which it had been brought forward, as existed at the commencement of this proceeding. It was true, several objections had been made to the bill, some amendments had been proposed, with different degrees of success, and some answers had been given to the objections; but these applied chiefly to the provisions of the bill. As to the principle of the bill, very little indeed had been urged in its support, and nothing that had in the smallest degree changed the first opinion he entertained on the subject; on the contrary, many of those reasons which had been urged in favour of the bill, and which had been approved by the majority of the House, had excited in his mind very great alarm at the measure altogether. Almost all that had been said by one set of its defenders amounted to this, that those men who were to be inlisted under it would feel that, from success, they might hope to be restored to their honours, their fortunes, and their country; from defeat, they must expect to meet either poverty or death. Standing in this alternative, where success promised so much, and defeat placed before their eyes the most dreadful calamities, they must, it was supposed, engage with ardour in the cause. Another set of the defenders of the bill, and particularly one right hon. gentleman (Mr. Burke), had said, "that the bill was an auspicious beginning of a new system; that the ho-

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nours, rights, and property of the emigrants must be restored to them before our own could be said to be secure; that Great Britain, with regard to its property and its rights, should feel an identity of interest with the emigrants of France; and that, except those properties, and those rights were restored to them, our own would be comparatively of little value." At least this must be admitted to be a position perfectly novel, and would, in his opinion, in its nature and tendency, be dangerous to this country and to Europe, if adopted by government, or sanctioned by parliament.

He wished, for a few moments, to call the attention of the House to the progress of the business. Though inimical to the war in its commencement, and wishing sincerely, as he thought it for the interest of the country, that it should be avoided, if possible, yet being once entered upon, he held it right that it should be prosecuted with energy and effect. To this end he promised his support, thinking that it was to be carried on as all former wars had been carried on, by fleets, armies, and money; and, in the view in which it was stated to the House at its commencement, that was the species of support that it was understood government looked for; for it was at that time distinctly stated, that the object of the war was, to repel a distinct aggression of France against Great Britain and her ally the United Provinces, which aggression was the insult offered to this country by certain decrees of the national convention, and by their attempt to deprive Holland of the exclusive navigation of the Scheldt. That those were good grounds of war could not be denied, unless satisfaction might have been obtained by negociation. They were certainly proper subjects to discuss by negociation; and it was his opinion, if those means had been tried, that the present war might have been avoided. But such was not the opinion of the executive government; it was not the opinion of the House of Commons; and we therefore had recourse to arms to procure satisfaction for the insult, security from further aggressions, and indemnity for our losses. Mr. Fox said, he sincerely lamented that such was the opinion of the executive government, and of the House of Commons; because he believed it to be the cause of all the evils we had already suffered, and of the many calamities in which we and the rest of Europe were likely to be involved. He wished that we had had recourse first to negociation; and if that had failed, to procure us all we had a just right to demand, no doubt could have been entertained of the propriety of our entering into a war, and endeavouring to procure from France, by the success of our arms, that justice which she refused to the wisdom of our councils.

At the commencement of the war, the government of France made no part of the consideration of parliament as connected with the question of peace, except as to how far such a government was capable of affording security against future insult and aggression. When that security was discussed in that House, and those who were most disposed to decry every thing that belonged to the government of France, were driven to an explanation of what they meant and what they really intended to insist on, the opinion of the House he understood to have been this, that it was a matter of much difficulty to know precisely what kind of security could be obtained from the present government of France; but it was then admitted, that to obtain some security on that point was not altogether impossible; and that if security could be had, there existed no objection to the form of government, nor should that be considered as any obstacle to concluding a peace. There was no necessity for him to argue, that there existed a possibility of obtaining security from such a government, because from the statement of the condition, obviously the possibility was admitted. If those gentlemen, who argued this conditionally, did not feel the possibility of obtaining security, they certainly dealt in a very unfair and uncandid manner with the House and with the country; for if they were of opinion, that we could not obtain security from the present government, ought they not, in an open, bold, and manly way, to have then declared, that it would be impossible to obtain peace while that government had existence, and that, to obtain so desirable an object, that government must of necessity be destroyed? That, however, was not the state of the case last year; nothing of that sort had been insisted upon; no such opinion was ventured to be advanced; and he was very much inclined to believe, that if the object for which we were about to engage in the war had been stated by the executive government to have been the subversion of the

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government of France, that it would not, either in that House, or by the people of the country, have been supported. He complained, therefore, on the part of the people of England, and on the part of the House of Commons, that we had been led into a war upon one pretence, and that the operations for carrying it on were directed to purposes and objects totally different from those held out to that House and to the country, by his majesty's ministers.

He would ask, if this measure was necessary for carrying on the war on the principles avowed last year, although it was not then either a fit or necessary one? It would be a trifling answer to say, "It might not have been necessary then, but we know it to be so at present, and it is never too late to mend." The manner in which they proposed it should have been fair, open, and sincere; they should have told the House the truth; they should have confessed their own laches last year, and shown they were willing and desirous, by new diligence, to make the best atonement in their power to their country for their former neglect and inattention; they should have said with one voice, "We now look upon the war as such, that this measure should have been adopted originally, and that it is a necessary one, though we entertained a different opinion at first." They should declare to the House what was in reality their system and their object; in what particulars it had been altered from their original plan; and then, whether such alteration was for the better or the worse, have left parliament to judge. Certainly, he thought the war on our part to be both just and necessary, provided it was impossible to obtain, in the first instance, satisfaction and security by negociation; but he could never agree that we should continue the war for the purpose of imposing a form of government on France. He certainly thought, that even though the government of France was an unjust or wicked government, it was in direct contradiction of the first principles of an independent state, and of the sovereignty of nations, to interfere with its formation. If a people in the formation of their government, have been ill-advised, if they have fallen into error, if they have acted iniquitously and unjustly towards each other, God was their only judge; it was not the province of other nations to chastise their folly, or punish their wickedness, by choosing who should rule over them, or in what manner and form they should be governed.

These points seemed to have been universally understood and assented to last year; they were points agreed on by all the authors he had ever had an opportunity to consult, who had treated of the law of nations, or the nature of government. Now, it seemed, we had entirely changed our system, and were to employ the French emigrants in support of our new one. If the purport of this bill had been simply to enable his majesty to enlist foreigners, he should have considered it in a much more favourable light; but, to his understanding and comprehension it appeared to be this: that we pledged the faith of this country to the emigrants for the full restoration of all their rights, titles, privileges, and properties, which they had lost by the Revolution, and that we would overturn the present existing government of France by force of arms. With respect to those unfortunate men, the emigrants, there was no man who felt more sincerely for their situation than he did. It was true he differed in sentiments with most of them; he disapproved of their conduct in many instances; but, if difference of opinion were a cause of withholding sympathy and compassion, this would indeed be a dismal world to inhabit. Difference of opinion was, in his mind, one great cause of the improvement of mankind, because it led to inquiry and discussion. It was his opinion that in all points, civil and religious, toleration of opinion was wisdom; upon that depended all the peace, he had almost said all the virtue, and consequently all the happiness of the world. This humane doctrine was the great leading feature of the mild and beneficent system of Christianity, and what had tended to render it such an inestimable blessing to mankind. He should, therefore, by no means say any thing harsh of the emigrants, though differing from them in sentiments; on the contrary, it apperaed from their conduct, that they were sincere in their professions. But because he sympathized with and compassionated the sufferings and misfortunes of those men, it was not necessary that he should be willing to pledge the faith of the country for the restoration of all they had lost by the Revolution, and for the total subversion

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of the present ruling powers in France; that was a conduct, which, if adopted, would, in his opinion, expose this country to great and tremendous evils.

The war in itself, considering the present condition of France, he looked upon as formidable to this country and to its constitution. Whatever might be the objects to be attained by it in the minds of other men he could not tell; two only seemed most desirable to be entertained: the first, that its duration should be as short as possible; the second, that in its prosecution it should be as little bloody and savage as the nature of the case would admit. The present bill he principally objected to as militating against those two wishes of his heart; for it would certainly tend both to prolong the war, and render it more savage, bloody, and inhuman, than any war that had ever disgraced the annals of modern nations. If the object of the war, as had been originally stated, was, to recover the exclusive navigation of the Scheldt for the United States, or to repel any insult offered us by the French, or to obtain satisfaction for present, and security against future aggression, he confessed that he should be sanguine in his hopes with respect to its termination. He might then think, that those who considered the last as a fortunate campaign, had not viewed the matter so unfairly; because, if such were the objects of the war, the consideration of the places we had taken might induce the French to think of peace. If we took Pondicherry, that might bring us a step nearer peace; because prudence might induce them to the measure, in order to save the remainder of their Indian possessions. The capture of St. Domingo, or Martinico, would be another step nearer the attainment of that desirable object; because a regard for the preservation of their other dominions in the West might incline them to conclude a peace. In that point of view it was easy to conceive how a nation of Europe might be conquered in the East or West Indies: successes of this kind, in all former wars, had been so many steps towards the conclusion of peace. Upon such grounds as these were founded the peace of Utrecht concluded by Louis 14th, the peace of Fontainbleau by Louis 15th, and the peace of Paris in 1783 by Great Britain. But was that the case in the present war? No such thing; because the object of the present and former wars was essentially different. If the principle of the present bill was carried into effect, we must necessarily destroy the present existing government, or what you please to call it, of France. It would avail us nothing, if our object be the destruction of the French government, to take the whole of their East and West India dominions; it would avail us nothing that Brissot, or Danton, or Robespierre were put to death; for what would the French say? "True, we have had all these losses; but we are not fighting for dominion or territory, or for particular men; we are fighting for our existence, and for the existence of our government." Successes of this kind, therefore, had no effect whatever towards accelerating the conclusion of a peace. It was true, it might be said, that the more we took of their possessions, the more we should reduce their strength, and therefore the more we should incline them to wish for peace. This mode of arguing was certainly right when one thing was held equivalent to another, and when the great object was, the loss or gain of possession or dominion. These arguments had force or application only to a case where we chanced to be at war with a government that it was not our object to destroy, but they could have no bearing whatever on the case of a war with a government, the destruction of which was made a necessary preliminary of peace. To such a government, therefore, the loss of an island, or of islands, could afford no argument for making peace, because the persons exercising the powers of government knew that our object and endeavours aimed at their entire destruction.

It might be said, that by degrees we might so weaken them, that they would consent to any form of government rather than continue the war; for, by diminishing their power, we should lower their pride. He would ask, was there any man in that House, or any man in the country, that had ever considered the subject, who thought that in the present situation of France such an effect could follow from such a cause? Could we conceive that those men, with such a spirit, whether from terror of their rulers, depravity of heart, enthusiasm, or from whatever cause such a spirit and disposition might have originated; could we conceive that these men would be found, in any considerable number, to change the sentiments they had almost to

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a man adopted, of forming a government for themselves, and tamely and submissively bear the yoke of a foreign power, and take any government that should be dictated to them; and all this because we might have proved successful in the East or West Indies? If any person could hold such an opinion, his mind must be strangely constituted indeed? It might, however, be said, that our successes would tend to make the people discontented with their present rulers, and diminish their attachment to their government. Was such an effect to be expected, or at all likely to be produced? Was there a man, woman, or even a child in France, who, having borne all that they had borne within the last five years, —who, having witnessed the horrors and blood with which their country has been deluged, to whom each day had been a day of life and death, yet had nevertheless adhered to their government and their rulers, would now desert them merely for the loss of an island in the East or West Indies? We all knew that when the mind was irritated and goaded, when it was busied in viewing daily objects of terror at home, it was not likely to be much affected by remote consequences: they were either not taken into its consideration at all, or, if considered, compared with nearer evils, they were looked on as nothing. If our object was, therefore, against the government, and not against the possessions of France, there was no man of sense who would not admit that those different advantages which he had enumerated, had not the smallest tendency to promote or restore peace; and there could be no advantage which we could possibly gain, that could contribute to this end, unless we should be able to take Paris, or some other material part of France; which would be found an undertaking of infinite difficulty and dreadful danger.

It was not his intention, Mr. Fox said, to inquire into the conduct of the war. He had stated these points merely for the purpose of pointing out the difference between the two kinds of war to which he had alluded, as to the circumstances which tended to the acceleration of peace; and certainly, in that point of view, the difference was great indeed. Viewing, therefore, the present bill on such a principle, and considering it, what the common sense of mankind must admit it to be, a virtual engagement on the part of this country to restore the ancient government of France, and to replace those emigrants in the situation they formerly enjoyed, surrounded by all that pomp and dignity we heard so elegantly depicted, peace appeared to him an object infinitely distant. It was impossible to say what turn the affairs of France might take; nothing could be more improper, or even ridiculous, than any attempt to predict what might occur: but looking on the circumstances of that country as they were at present, he felt himself bound to say, that the conquest of the French seemed to him a task so dangerous and difficult, that he should be unwilling to advise it to be undertaken. It had been said on a former night by an hon. gentleman (Mr. Jenkinson), and it was wisely and truly said, that the best mode of conquering France was, to take Paris, and that the only means by which this could be effected, would be by first taking the strong towns on the northern frontier, which might serve as a protection for our troops, and enable us to march forward with security: that, Mr. Fox said, he also conceived to be wise and just reasoning, and the only way in which Paris could be taken; but, the very mode proposed for attaining this object, convinced him at once of the difficulty, and almost impossibility, of carrying it into effect. When we looked on the iron frontier of France, and saw what must be passed, before we could have any fair prospect of marching to Paris, we must be convinced that the task was of an Herculean kind; required an Herculean labour, length of time, and an uninterrupted series of success to accomplish; and we should also take into consideration the nature of the cause, and the temper and disposition of the people with whom we have to contend.

It had been mentioned more than once, and he presumed by way of reproach to him, that he gloried in the victory of Jemappe. He had heard it, often as it had been mentioned, without pain or emotion; for he had not said any thing upon that subject which he had yet found cause to repent of; nor did he retract a single syllable of what he had ever said on that occasion. It had been asked, by way of derision, was it any thing extraordinary for 60,000 men to vanquish 20,000, and wherein consisted the glory of the action? He did not mean to say that it was a thing extraordinary or sur-

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prising; but let them not therefore hold the valour or military character of the French too cheap, even in their present situation. It was not his design to detract from the valour of the Austrians or Prussians, much less did he wish to detract from the well-known bravery and military skill of his countrymen; at the same time, if it was wise and necessary to look our danger in the face, let us not think of despising our enemy: from this error many fatal consequences had often arisen. He should refer the House for the military character of the French, to the manifesto of the king of Prussia: when assigning his motives for withdrawing himself from the war, he spoke of them as a people of uncommon bravery, and approved tactics. This was the opinion of experience; and not merely the opinion of the king himself, but that of all his generals and officers; men, if he might use the term, the most learned in military affairs, and founded on dreadful experience of their prowess.

——Experto credite, quantus
In clypeum assurgat, quo turbine torqueat hastam.

In the description which this declaration gave, there was nothing upon which any reasonable hope could be founded, that the French were a people easy to be conquered: to which he must add, that the experience of history had taught him to expect that such a people, fighting under such circumstances, must be very formidable to the most powerful enemy that could be opposed to them; and if we were to conjecture the future from the consideration of the past, such an event, as the complete conquest of the French in war, could not be reasonably expected. If, therefore, this was likely to be a pursuit so hopeless, he should wish to ask, whether it were prudent, or consistent with the dignity and honour of this country (for the honour of a nation, like the honour of an individual, was the most valuable and sacred of its possessions), to employ those unfortunate people in such a visionary scheme? It was not right to pledge our honour for the performance of what all the world knew to be extremely difficult to perform, and what, perhaps, many experienced people considered as altogether impossible to effect.

Having thus endeavoured to show that the prospect of peace would by this measure be placed at an infinite distance, and that it was highly improper to pledge ourselves for the performance of what all the world must perceive to be very doubtful, if not desperate, namely, to overturn the present existing government of France, and to restore to these emigrants all the rights, honours, and privileges they formerly enjoyed, he was led to consider the effect that this war, by its continuance, would have on the hearts and the general morality of the people of Europe. He did not mean to boast the possession of humanity as peculiar to himself, more than to any other person; but he begged leave, at the same time, to say, that he hoped he did not possess less than any other man, who had not more acute feelings, or a better understanding: he was, therefore, convinced, there was not one man in this country, however he might differ from him in opinion as to the justice, or the origin, or the necessity of the war, who felt more real anguish for the calamitous state of Europe at this moment than he did. It had been said, and truly, that one of the many evil consequences of the war was, that it tended to render the hearts of mankind callous to the feelings and sentiments of humanity. When we daily heard of the massacres of such numbers of individuals, that memory could not even recollect their names; when we contemplated the slaughters at Lyons, at Marseilles, at Bourdeaux, at Toulon; he much feared that the effect would be injurious to the morals of all Europe: the misfortunes experienced by multitudes of individuals at these and other places had been so great, that the mind was bewildered in the magnitude and complication of the misery. He was clearly of opinion, that the human mind might be made so familiar with misery, and scenes of horror, as at last to disregard them, or at least to view them with indifference. It was difficult to preserve always the acuteness of the feelings; and it was, in his mind, no small misfortune to live at a period when scenes of horror and blood were frequent. By the constant repetition of such scenes, our feelings were by degrees blunted, and in time became indifferent to what at first would interest them with the most amiable sympathy and distress. Humanity on this account, had been, by the Stoics, deemed a weakness in our nature, and in their opinions impeded the progress of the judgment, and consequently the improvement of morals; but his sentiments so widely differed from theirs, that he thought

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humanity not only not a weakness, but the strongest and safest friend to virtue. No man could lament, therefore, more than he did, the mischief done to mankind by making the heart too familiar with misery, and rendering it at last indifferent; because, on the heart and on the feelings, chiefly depended our love of virtue; and he was convinced they did more service to the cause of virtue, than the wisest precepts of the wisest men. Humanity was one of the most beautiful parts of the divine system of christianity, which taught us not only to do good to mankind, but to love each other as brethren; and this all depended on the sensibility of our hearts, the greatest blessing bestowed by Providence on man, and without which, with the most refined and polished understanding, he would be no better than a savage.

The feelings of all Europe had already suffered by the repeated horrors of France; but, with regard to their cause, the French appeared to have, in a great measure, been driven to these violent scenes of bloodshed and horror. It was with a nation as with an individual: for if an individual was placed in a situation in which he felt himself abandoned by the whole world, and found that no one was his friend, that no one interested himself in his happiness or welfare, but that all mankind, as it were by general consent, were his enemies, he must become a misanthrope and a savage, unless he possessed a mind more heroic and exalted than we had any right to expect. Such was the situation in which France had been placed; almost all Europe had united against this single people; not for the purpose of regaining any territory upon the Rhine, or restraining the strides of an ambitious monarch towards universal empire, as had been the case with the combination against Louis 14th; not for the purpose of repelling an aggression, or to obtain reparation for an injury, or satisfaction for an insult, or indemnification for losses, and security for future peace, but for the open and avowed purpose of destroying a people, or compelling them to accept a form of government to be imposed on them by force of arms; and that, too, the form which, from every conjecture that could possibly be made, they most detested and abhorred —their ancient monarchy. Could it be wondered at that the French, under such circumstances, were savage and ferocious? He did not say that it was the intention of the combined powers to compel them to return to their ancient form of government; it was enough that they were under the apprehension of it, and that almost the whole of Europe were leagued in arms against them; and no man could deny, but, as a people, they had an equitable and moral right to resist such an attempt, and to refuse their submission to such dictation.

A right hon. gentleman (Mr. Burke) had drawn a pleasing picture of the happiness of the people of France under their monarchy, and had bestowed what he considered an unmerited eulogium on that form of government, where the French peasant was described to have sat in happiness and security under his vine or his olive. He, for his part, Mr. Fox said, had certainly no pretensions to any thing like profound philosophical observation on men or manners, but he had been in France where this mild and temperate monarchy was, and had seen some of their peasants, who were so far from having any thing like security for the possession of any property they might have, that it was altogether at the disposal of the higher orders; and their situation in general was, to all appearance, so replete with misery, so abject, and so wretched, that they could not be objects of envy to the subjects of the most absolute despots upon earth. He knew that France had been called "a mitigated, absolute monarchy:" This he would deny, from experience, and contend, that it was most fierce and barbarous. He did not mean to compare the situation of the people of France, under their monarchy, with the situation of the people of this country, or with the situation of the inhabitants of Holland, of the United States, or the happy Cantons of Switzerland; he would compare them with the inhabitants of Germany and Italy, and the other despotic governments of Europe, and contend, that their situation was by far the most distressed and wretched of any of them. Seeing this to have been their situation, and apprehending the object of the combined powers to be to replace them in that bondage, it was not surprising that they should become furious.

In a former debate on this bill, he had heard it asked, Whether, if any of the emigrants employed by this country should be taken and put to death, we were to retaliate? He had heard also, in reply, a solitary, but dreadful, "Yes;" and surely

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the wit that had been used on this reply was as ill-timed as it was inapplicable. Dreadful were the consequences that must follow the adoption of a system of retaliation; dreadful the situation in which these unhappy men would be placed, who must, if taken, be considered as rebels, and put to death: as to these unfortunate men, the war would be a civil war to all intents and purposes; and every man knew that civil wars had never been distinguished by humanity. A great military authority (lord Mulgrave) had asserted, that these evils, so much apprehended, were not likely to be produced. He rejoiced at this information; but, nevertheless, he believed that those gallant men who fought under the prince of Condé, and were unfortunately taken prisoners, had been to a man put to death. The same noble lord had asked, whether we should suffer ourselves to be bullied by the French out of the means which were in our power? Certainly not; but let us be certain, in the first place, that these means rested upon fair grounds, and were such as we had a just right to use. The opinion which he was about to state, was like many other of his opinions, perhaps singular: it was this, that war ought to be carried on as mercifully as possible, without any regard to persons. He certainly could not find this opinion either in books, or in the practice of Europe; and history taught all who perused it, that the treatment of prisoners in civil wars was never remarkable for humanity. Let us look to our own history, and to what were called good times. We had had, during the present century, in this country, two rebellions, in the years 1715 and 1745. Did we then reverence this merciful maxim? Did we consider that the treason of every man was done away by his holding a commission from a foreign power, when taken in the field of battle? No: Mr. Radcliffe offered this plea; but it did not avail him: he was executed.

If the French were to land in this kingdom, and there chanced to be any body of people so abandoned to all sense of duty, so lost to the love of their country, so dead to their own interest and happiness, as to join them, should we pardon any of them, who should produce a commission from the Convention? We should not. If therefore, any of these emigrants were taken in the field of battle, in arms against their country, was it to be supposed that the Convention would repect the commissions granted by the king of Great Britain, or that those commissions would afford them protection, or secure them from punishment? In the present question, if we determined not to retaliate, in what a disgraceful and calamitous situation did we place those whom we employed! And if we did retaliate, good God! in what horrors would Europe be involved! In whatever point of view he considered the measure, it appeared highly objectionable; it would tend, if adopted, to render the war more bloody and of longer duration.—Let us take a view of ancient history, and see how wars have been conducted, and compare them with the present; we shall then see the reason why the present war is more bloody and more cruel, than any of those wars recorded in modern history. In modern wars, the contest has been, generally speaking, concerning the possession of territory; at least the loss of territory, for the most part, has determined it; each acknowledging the independence of the other as a nation; and therefore the parties, like two individuals at law, did not seek to destroy each other after their difference was determined. In ancient wars, the contest was between powers seeking the destruction and extermination of each other as a nation. It is not my wish to take from the mild effects of the Christian religion, which also has tended to soften the manners of men, but the merciful manner in which modern wars have been carried on, in comparison of the ancient, has resulted chiefly from this great difference between their objects. *Delenda est Carthago*, said the Roman senate, of Carthage: Athens conceived it was for her interest to destroy the government of Sparta, and *vice versa*, the Macedonians were convinced of the necessity of extirpating the Greeks. To these wars of the ancients, the civil wars of modern times alone afford a parallel, because their objects are also to effect the destruction of governments; and for this reason, they are less merciful and mild than wars waged between independent sovereigns. The present contest with France may be justly termed a civil war, in the force, the acrimony, and savageness with which it is carried on.

The combined powers had declared that the government of France must be destroyed, and that declaration had rendered the French desperate and cruel. That was a system at which humanity

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shuddered; that was a system promoted by the present bill; a system openly avowed and maintained by those who supported the principles of this measure. That system had already had its effects in this country; it had rendered the people callous; some through fear, a power which deprived a man of rationality; others by indifference, which prevented a man from exerting his intellects, and benumbed his feelings. To what but this could be imputed the excessive severity of the sentences lately passed upon Mr. Muir, Mr. Palmer, and others, for having done nothing more than an honest man, acting perhaps under the influence of a misguided judgment, might conceive it to be his duty to do; for having done nothing more than pursue a little too closely the former conduct of his present prosecutor? To what but this could be imputed the general disinclination of the House, and lastly, its absolute refusal, to interfere with these sentences? If any man, three years ago, had committed such an offence, and had received such a sentence, the House would have fired with indignation, and interfered to prevent its execution. That punishments so enormous should be inflicted on gentlemen of a liberal education, and irreproachable manners, probably possessed of good hearts, and whose only crime so nearly resembled the virtues of other men, who even arrogated to themselves some merit on that head; that such men, for a bare misdemeanor, should receive a sentence worse than death; a sentence that had the certainty of death, without its immediate release from misery, a lingering, peevish infliction of a punishment, which, in cruelty, exceeded immediate death; and all this for a conduct not long since deemed meritorious; this was owing to the horrid examples of France, and arose from inordinate fear, and miserable apprehension. Was he not, then, entitled to say, that the present war was dangerous to the constitution of this country, since it tended so directly to extinguish, in that House and in the people, the spirit which had hitherto guarded the constitution from the daily attacks of the executive power? Impressed so forcibly with these sentiments, he felt himself unable to withhold his opinion; not from any expectation of making any deep impression on the majority of that House; that he was well convinced, would be a hopeless expectation; but because he conceived it his duty so to do, that the public might be called upon to exert their judgment.

There were two points more to be considered, before he could take leave of the subject: first, the probable effect this system would have on the French character; and second, the immense expense the measure might introduce in the public expenditure of this country. With regard to the first point, it was to be observed, that the French character was a marked one; and nothing was more prominent in it than an attachment to their country, which might be called patriotism, or nationality, but which consisted in the desire of having France appear magnanimous and great in the eyes of the world. Perhaps in this they had never been equalled, except by the ancient Romans. This ought to make the House cautious as to what might be the result of employing any very considerable number of these men. Let them consider, that should we even succeed in placing Louis 17th on the throne, and a question of indemnity were to arise, perhaps these very French troops we had employed might take part against us; they might possibly have also other interests in betraying us. He did not mean to say they would do it, but at the same time it would not be altogether discreet to hold out to them too great a temptation. Suppose, however, that we should fail in our attempts, and should be forced to return to the first object of the war, what would be then the consequence? We should become the sad spectators of the ruin we had occasioned: we should hear these emigrants reproach us in this manner: "We depended on your promises, and you have deceived us; we relied on you with confidence, and you have thus prevented us from using any endeavour to reconcile ourselves to our country." We should then be forced either to cast them out to the wide world in misery and distress, or to burthen the people of this country for their maintenance; a burthen that would be more heavy, and less just, than that in consequence of the protection afforded the loyalists in the American war. With regard to the expense, it was impossible to say to what extent it might go; and as our resources, like all human things, had their limits, we could not be quite sure the people would be able to bear the burthen; nor could we be sure, supposing them able, that they would be long willing to do so. When so desirable an end

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would be accomplished God only knew! but he contended, that we should endeavour to accelerate the period of peace, and to make the war as little savage and ferocious as possible. This bill, as inimical to these two very desirable objects, which were so much the wish of his heart, should have his decided negative.

Mr. Secretary *Dundas* said, that to every person who considered the subject with attention, it must appear evident that the bill was grounded upon plain and obvious principles, and required no other elucidation than a simple reference to the origin of the war, and to the actual state of the enemy. On a retrospect of events, it must be allowed, that Great Britain did not commence hostilities till self-defence had rendered the measure unavoidable. Great Britain, in common with the other governments of Europe, beheld with a proper anxiety the first progress of the French revolution. This event, when it took place, was more properly a subject for observation, originating in the duty of preserving our own constitution and dominions, than a matter of positive alarm, from the political innovations which had taken place in the interior of France. A short period, however, had only elapsed, when what at first appeared to be a partial change from the ancient monarchy, assumed an aspect so formidable to neighbouring nations, that every man of a sober and deliberating mind took the alarm. It was not now a limitation of the ancient monarchical form of government, but a conspiracy of the most profligate and ignorant people in that nation, against all the principles of society and religion, against all property, landed or commercial; and this conspiracy, too, formed in the center of Europe, and threatening the subversion of every neighbouring government; a conspiracy made up of men, equally destitute of principles and of property, who had every thing to gain and nothing to lose by a general convulsion in Europe. His majesty's ministers wished for nothing more than a fair retrospect of their conduct in this crisis. On the one hand, they had to contemplate the rapid prosperity of the British empire, the flourishing state of our revenues, and the daily increasing extent of our manufactures and commerce; on the other hand, they had before them the devastations, external and internal, with which the French anarchists were threatening Europe. If it was the duty of the king's ministers to preserve the empire in its existing prosperity; it was not less their duty to prepare themselves against the approaches of the evils which threatened us. Hence they were induced to pause and to observe. They were determined to avoid hostilities, unless the safety of our allies and our internal security rendered it impossible. The period of hesitation in which this political caution could be exercised was indeed but short. The French declaration of war against us terminated it; a war not declared with the common forms of civilized nations, not proceeding upon any violation of existing treaties on our part, not even with pretended circumstances of aggression by us, but with the avowed purpose of carrying their newly-created constitution, and the anarchy and devastation upon which it rested, over all Europe; a war, in fine, accompanied with symptoms of malignity and madness, dangerous to individuals, and destructive to states. Such was the fact at the declaration of the war—an event which ought to have terminated all difference of opinion in this country, since every thing the British nation held valuable, life, property, honour, constitution, and national resources, were at stake. It had been matter of surprise, therefore, since that period, to find that one man could exist, who pretended to candour, to common sense, or to reputation, who could either justify our enemies, or have a second opinion on the subject, whatever he might have thought previous to that event.—Mr. Dundas admitted, that the French affairs at the beginning of the revolution, bore such an aspect, that differences of opinion respecting them prevailed; it was reserved for the illuminated and comprehensive mind of Mr. Burke alone, to foresee what must be its fatal and necessary consequences: he had even then, in his strictures upon the subject, and when the tide of opinion and of prejudice ran against him, pointed out, with a discernment almost approaching to prescience, the calamitous consequences which have since ensued. If these strictures were termed the phantoms of an over-heated imagination, time, which weighs events in the balance of truth, and does justice to all men, has stamped those predictions and verified them by events. No man would now be hardy enough to deny, that the prophecy had not been justified by the fact. Had not the monstrous system of the French convention threatened, like

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a torrent, to sweep before it all the kingdoms of Europe? Did not the principle, upon which it avowed to act, lead to aggressions against our allies and against ourselves? Did not the conduct of the convention manifest, that when they should have conquered and plundered our allies, their hordes were to bring their politics and contributions into Britain? Did they not banish all persons respectable for rank, for fortune, for virtue, for religion; and when such characters sought an asylum in Britain, would it have been consistent with the beneficence and liberality of this nation, to have refused it? No; these unfortunate and distinguished men sought our protection, and they found it.—Mr. Dundas next adverted to the reasonings of those who attempted to shew, that the war was unjust and unnecessary. Already the answers given to them had been full and conclusive; and he would, therefore, content himself with remarking, that the arguments of opposition were inconsistent with themselves. At one time, they professed and promised to support the war, though they pronounced it to be unjust and unnecessary; and, at other times, they opposed the measures adopted by the executive government for accomplishing the ends for which the war had been undertaken. The measure now under debate was a proof of this observation, for though brought forward in support of the war, the bill was pronounced to be improper.—Mr. Dundas next took a review of the actual state of France. A faction, composed of the most worthless of men, governed that devoted country. The power of this faction was upheld by the most precarious of tenures, the breath of the mob. The unanimity of France in support of the present government had been much insisted upon; but he would venture to say, that there now appeared manifest symptoms, that numbers in that devoted country, were adverse to it. That many of the French nation detested the anarchy under which they were suffering, required no other proof than the immense emigrations from that country; or if that should not be deemed sufficient evidence, an appeal might be made to the feelings of every humane and honourable man, to pronounce, respecting the unbounded massacres under which millions had sunk, and the absolute extinction of that security of person and property, of that justice and that religion, which alone can attach rational men to any form of government. From the nature of the case, it must be evident, that multitudes of the French nation wanted only protection and support, to bring them forward to crush that convention, under which these evils had become insupportable. Could any other consequence result from the innumerable massacres of those very savages upon each other, but jealousy, distrust, and rancour? If so, large bodies of the French people, hostile to such unparalleled tyranny, must be ready to fly to the arms we proposed putting into their hands, however they may have been hitherto compelled, by fear, to conceal their real feelings and wishes. If, then, such a government as that in France, was inconsistent with the safety of other governments, the legitimate object of the war must be, the extinction of this monstrous system. What measure was so likely to produce this end, as making use of the means which were the most closely connected with the object? These means were, to employ great bodies of the unfortunate sufferers, of different ranks, who had been driven from their country, from their families, from their property, and reduced to the last extremity, as principals, as well as auxiliaries, in restoring the peace of Europe. When collected into bodies, such men would erect the standard of exiled religion, oppressed virtue, and expatriated loyalty. For these purposes, they now called upon the British nation to give them arms. Men of this description must have the same object that we have. He desired to see a regular government established in France; and the present bill was well calculated for this object. His hope was, that by the proper use of this plan, peace would be restored to this country, and security to Europe. Unless we overthrew the present system of French politics, we neither could hope for peace, nor obtain security. That security which the right hon. gentleman had augured from our insular situation, and from the loyalty and valour of the British nation, no man was more forward to subscribe to, than himself; but, insulated as we were, and loyal and brave as our people might be, if hordes of sanguinary Tartars were suffered to collect in the heart of Europe; if every feeling of justice and religion were allowed to be extinguished; if the principles of anarchy were permitted to be propagated by fire and sword; if all property were to be

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trampled under foot; if acts of murder were to be measured by the conveniency of the murderer, and all the nations on the continent to bow under the iron rod of this murderer, he believed that the right hon. gentleman would hardly contend, that Great Britain and Ireland could hope for safety, security, or peace. Desirable, however, as peace was, heartily as he might wish for its establishment, and ready as he had been to listen to the reasonings of his opponent, yet he now called on the House to say, whether these reasonings had been either founded on events, or conclusive in the consequences drawn from them. The right hon. gentleman had resorted to the opinions of the writers on the laws of nations, and asserted that it is laid down by them, as a principle, that one nation has not a right to interfere in the internal administration of another, or to attempt the subversion of its government. The right hon. gentleman could not lately have perused those authors, or had not examined them with his usual accuracy or he would have discovered, that the principle, upon which he rested the whole of his argument, was not to be found in any one of their works. On the contrary, it was laid down by Vatell, the right hon. reasoner's favourite author, and by the authors whom Vatell must, from the spirit of his work, have consulted, to be a maxim of justice and of prudence, that the government of one country may interfere with, and subvert that of another, under certain circumstances; such as, self-preservation and security. This interference became itself a great and leading principle in the laws of nations, and one, to the observance of which, every state, as a duty to itself, was obligated. To this principle, all general maxims must be subservient. If the fact be, that the government of France had been put into the hands of men, whom the right hon. gentleman himself had pronounced monsters, it remained with him to say, what principle existed, which forbad our efforts to wrest power from men thus described. Exclusive, however, of this consideration, it would be found, that wherever the authors on the law of nations touch upon this subject, they set down their own reasonings as matters of mere speculative policy, and apply their arguments to internal discords among any people, in time of peace, but, on no occasion, to nations in a state of war. No man could be so ridiculous as to assert, that it is not the duty of a nation, which has experienced an aggression, to use every possible means to obtain redress, or, in plain words, to overcome and destroy that power with which they are at war; especially when it is a power, which besides open aggression, has been insidiously attempting to excite rebellion in a country with which it was at peace: of this description is the present government of France. And under such circumstances, was it for ministers to sit down in their closets and reason on the speculative question, whether they ought to interfere and endeavour to overturn the usurpation? No. They had to consider the enemy, as an enemy of the worst description, and to devise means, either to bring him to reason, or to ruin.—Mr. Dundas next adverted to the observations of Mr. Fox on the calamities of retaliation; a subject to which, he trusted, the House would not suppose him less alive than the right hon. gentleman. From this topic, however, he would refrain, not because he was less adverse to every calamitous consequence of retaliation, but because he considered every thing that might or could be said upon the subject, under the present circumstances, to be injudicious and imprudent. Generals, who for humanity and wisdom have been inferior to none who had yet lived, have found it necessary, in the field of battle, to stop cruelty by retaliation. No general, however, and indeed no author, had as yet attempted, in practice or in theory, to reduce retaliation to defined or general principles. An officer found the task severe enough, when he was compelled to have recourse to this last extremity with an unprincipled foe, but he did not think it his duty to speculate on the subject. Humanity and necessity might be sometimes at variance. Humanity at one time might call upon wisdom to refrain from retaliation, at another, to exercise it: right might at one time justify this severity, when generosity scorned to use that right. Every thing on this subject depended upon circumstances, such as the conduct and character of an enemy, whether he be polished or savage, honourable or unprincipled; and it was as absurd, as it was abominable, to seek, in the midst of a war with savages, like that into which we were driven, for discussions on the subject. If the conqueror of a province sent the people coercively into war, he might be termed a savage;

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but the present case was the reverse; it was that of men, who had been driven from their property, on whose lives a price had been set, who, when taken prisoners, were butchered; it was that of men seeking the protection of this country to get back their property, their rank, their friends, and (if they had escaped the knife of the assassins) their families, of whom they had been bereft. Such were the men who were calling for arms from Britain, and it was for them to consider the probable effects of retaliation. They had weighed them, and had said, "Shall we try the fortune of war, and hazard retaliation? Shall we join England who is fighting our cause, and endeavouring to restore to us our all? Or shall we spin out a wretched and dishonourable existence, or die in famine, outcasts from our country, traitors to our king, and apostates to our religion?" Can any man, viewing these facts and this situation, accuse this government of using compulsion? Have not the emigrants had the whole of the prospect, and the whole of the risk, before them? They have taken their resolution, and no man can deny the wisdom of their choice. Could men of feeling or magnanimity act otherwise? It had been asserted that this measure would tend to prolong the war. Mr. Dundas admitted, that the magnitude of the conquests which we had made in the East and West-Indies had not the same effect on the councils of the usurpers, as conquests in France might have; but he maintained, that our distant conquests would accelerate the issue of the war, because the resources of the enemy depended in some measure on their colonial possessions. In this proportion our success in these quarters, would diminish the power of the enemy to carry on the war, and therefore facilitate the grand object of it, an honourable peace. The whole subject resolved itself into this simple question: "Could we hope for security or peace, without a total change in the government of France?" Certainly not, for if we could at this time conclude a peace by keeping the conquests we had acquired yet, with so great a country, powerful from internal resources, from soil, climate, population, and situation, as France was, we had only to expect a renewal of the war, if we suffered the present government to remain; a government raised up by treachery violence, and usurpation; a government supported by fraud confiscations and plunder; a government directing its views beyond the wilderness of imagination, resembling only the fury of fiends, or the malice and cunning of the enemy of mankind, and executing its schemes, by forcing the husbandman, manufacturer, and merchant to become common soldiers. It was as impracticable to negociate as it would be absurd to make peace. If such a government remain in the center of Europe, other countries in vain will hope to live in safety; and on this, if no other ground existed on which to rest his argument, he would venture to place his defence of the present measure.—Mr. Dundas next contrasted the present argument of Mr. Fox with his severe censures on government, in the last and beginning of the present session, for not having afforded the loyalists of La Vendée a proper support. Those strictures were erroneous, because they were not founded on the events which prevented the assistance being given. It would be most readily allowed that the assistance ought to have been given if it had been practicable to give it; but if it would have been unwise to have risked our national force and honour, in support of the scattered bands in La Vendée, it would be wise to take into our pay a body of men, who were animated with principles like our own, who were to be fully appointed and provided, before they took the field, who were to be led on by officers, not only eminent for honour and military skill, but revered in their own country for the laurels with which they had adorned the crown of France, and who were in fine, animated by the same enthusiasm as those of La Vendée, but an enthusiasm diametrically opposite to the mad rage of Sans Culottes and Jacobins, because directed by religion, by true patriotism, and by steady loyalty. An army of this kind must not only be equal to prodigies, but must increase in numbers as it advanced. An hon. gentleman had mentioned 500,000 such men. Mr. Dundas said, he would rejoice, that they were so many. The same gentleman had next questioned our ability to find resources for this number; but a much smaller number would soon be able to render aid from us unnecessary; for they would acquire their own rights and privileges, and terminate the calamities of their country. It had been said, why was not this measure adopted sooner. On this subject, he was ready to allow, that if ministers had

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been apparently remiss, the blame proceeded from the course of events. After the affair at Toulon, the French fully saw their own calamities, and large bodies of that unfortunate and expatriated people now called for arms, and prayed us to employ France against France, to save her, and to preserve the liberties of Europe. It had been said, that the war against France had tended to harden the finer feelings of humanity. He would allow, that an insensibility of the most horrid kind had prevailed in that country, and he was sorry to say, in England, in part; since that which would once have been heard with consternation, was now read with apathy, as the news of the day. There was this difference, however, between the two countries: in the one, men had become habitually cruel; in the other men turned away from the recital of events, which excited only disgust and horror. Would the right hon. gentleman say, that we ought not to arm Frenchmen against the authors of this insensibility in their own country, or that we ought to familiarize ourselves to such horrors? It was not the war, but the authors of the war, who had wrought this change in France the present rulers of that devoted people had done it and if power was to be placed in any country in the hands of a lawless mob, there was no barrier in nature to entrench us against the like calamities. It was not the war which had occasioned these evils on the continent: they had begun in France and were at a height unknown in the annals of man, before the war commenced. Mr. Dundas concluded with combating the justification which had been attempted of Messrs. Palmer and Muir. Open, he said, your statute book, and read what are the crimes to which the punishment of death is annexed; compare the crime of an unfortunate wretch who steals a cheese, with the crime of him who conspires to instil into the minds of the people a hatred for our mild laws and happy constitution, and a love for the anarchy and butchery of France. Where is the humanity of those gentlemen, who can silently acquiesce in the punishment of death being inflicted on the former, compelled, perhaps, to offend the law, by the clamors for bread of a famishing wife and children: and the crime of the latter, who could have no motive, no excuse, for their crimes but their vicious desire of obtaining power by overturning the British constitution, and burying the people in its ruins?

Mr. *Burke* rose and said:—The right hon. gentleman (Mr. Fox), in making the panegyric of humanity, has not forgotten to claim for himself a full share of that virtue, at the same time that he has thought proper to detract from the portion of it which I may possess. That humanity is highly praiseworthy, and that he possesses much of that good quality, is certainly true: yet this formal panegyric, on an occasion so little adapted wears a good deal the appearance of what the ancients would have called *ambitiosa ornamenta*. It has no discernible use; for in fact, it only asserts that which every one admits, and which has never yet in this House been called in question. This proceeding reminds me a good deal of the saying of an old Lacedemonian, a sour, surly sort of a fellow, who, when they were praising Hercules, said, "Pray, who blames him?" So, in like manner, it might be asked of the right hon. gentleman, "What member in that House blamed humanity?" The mode of reasoning pursued by the right hon. gentleman was undoubtedly, in that instance, repugnant to the rules of rhetoric; nay, diametrically opposite to the principles of eloquence. There never was a subject upon which the right hon. gentleman could exercise his eloquence, and of eloquence he had a most uncommon share, to so very little purpose, more especially in that House, as upon the subject of humanity; for every member, to its praise be it spoken, was thoroughly acquainted with, and uniformly acted upon, sentiments of humanity. The right hon. gentleman, therefore, has thrown away his breath upon the subject, but if the right hon. gentleman had preached his sermon on humanity in the Jacobin Club, or in the club of the Cordeliers, no man could deny that it would not be remarkably opportune, and extremely necessary at the present time. To them who were so abandoned it might be said. "Discite Justitiam moniti, et non temnere Divos." Whatever chance there was that so excellent a discourse might make some impression on the minds of the Jacobins, yet I have too great an esteem for the right hon. gentleman's talents, too great a reverence for his abilities, too great a regard for his humanity, too great a love for his generosity and good nature, too great an anxiety for the safety of his person, to entertain a wish that he

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should go in person among the Jacobins to preach his sermon upon humanity, and to apply it in any effectual way. Whatever merits, however, humanity may possess in theory, I am one of those who hold its practice in higher estimation, and am therefore led to measure the actions of the right hon. gentleman with his professions. He regards the state of the French emigrants with strong emotions of pity, and yet without any distinguished private assistance to them; he now comes forward to oppose the only public relief of a comprehensive and radical nature which can be suggested; from the abundance of his compassion, he "leaves them Providence's care." On this, and on some other occasions, I cannot but suppose him led astray by an unfortunate bias, or perhaps that desire of personal triumph, which is so common to us all. To the objects of oppression he is prodigal of pity, yet penurious of relief; and its authors, he is ready to condemn, yet unwilling to chastise. No stoic was ever in a state of more perfect neutrality to mankind, not even Zeno himself. I mean not, however, to cast any general imputation on the doctrines of that ancient sect, which has produced many virtues, and will, I have no doubt, produce many more. Now as to the monosyllable *yes*, which I uttered on a former occasion, I have only to observe that *yes* in the old English was called *ay*.—

"*Ay, ay, ay*—a word more fatal thrice
"Than the death-darting eye of Cockatrice."

The notice that has been taken of this, places me in a light of importance, to which I am conscious, I have no pretension. This trite and oracular species of eloquence seems to have more effect than all the long harangues I ever delivered; and I should, perhaps, do well in future to forbear my usual mode, and confine myself to this short and sententious style. From the severity of comment to which this poor monosyllable has been subject, the world must have been led to think that I have taken up my morals at random, or merely on sentiment, and that I was totally unprepared to defend them on principle. In the first place, however, it must not be forgotten, that what I said came from an individual, having no participation in his majesty's councils, and of course carried with it no ministerial authority, though it has all along been treated in a light directly the reverse. As a general principle, founded on policy and the law of nations, I am ready to repeat and maintain, that retaliation of any severity which an enemy may practise, is right and proper. I know full well that the application of this principle to any case which may occur in practice, will depend on circumstances. A question of policy will then arise, which must be determined by prudence, the essential constituent and regulator of all virtue. This practical restriction has, however, nothing to do with the general principle. The *lex talionis* is a part of the law of nations, as founded on that of nature. When, therefore, any infraction of that law takes place, retaliation is the punishment provided, and the infliction of it is essential to humanity, as well as justice. The distinction between rebel and enemy is a subtlety which will not apply; as the National Convention affords no protection to its miserable subjects, and has forfeited all pretension to allegiance. From its own principles, and its own conduct, it has destroyed all rights of sovereignty. These corps must therefore be regarded purely as a part of that army under whose banners they serve. As to the policy, in a more general view, what can be more manifest, than that every system of fear will invite the evil it means to deprecate; whereas, if those who violate the law and practice of nations, find that the evil of that infraction will fall in common on themselves, they will be induced to refrain and desist. Locke is of the same opinion relative to the *lex talionis*; and though I do not subscribe to all that he has advanced, his authority is on every subject of great weight. God forbid that the authors of murder should not find it recoil on their own heads. Such is my opinion relative to the justice and policy of retaliation. I should not scruple, if I were so far honoured as to be consulted by any part of the allies, to declare that they were bound alike by honour, duty, and interest, not to suffer any one act of severity to pass unretaliated. It is a call of justice, and as such an integral of humanity, without which man would cease to be a beautiful part of the general community of the world. Justice is the ground-work of which humanity is the superstructure, and cannot subsist without it. A vain ostentatious display of that virtue may, indeed, be made, as has been done for the last thirty years in France; but I have no doubt that all the horrors which have taken place in

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that country may, in a great measure, be traced to that very source, namely, affected humanity, devoid of justice. But the right hon. gentleman is fearful we may inflame the Jacobins by this severity on our part. Inflame a Jacobin! You may as well talk of setting fire to hell. Impossible! The measure of their rage and iniquity overflows, and cannot be increased. Friend and foe, royalist and republican, all fall beneath the savage havoc of that club, and its worthy coadjutor, the Cordeliers; nor are the members of either secure from the other, or even itself. Jacobin slaughters Cordelier, Cordelier butchers Jacobin, and, at times, each inverts the murderous knife into its own bosom.

"High-crested tyranny sweeps on,
"Till each man falls by lottery."

For the deplorable, for the lamentable situation of France, no man feels more than I do. For myself, I may be indulged to say,

"Non ignara mali, miseris succurrere disco."

Whatever is said of the tyranny of princes, sure I am, that an attentive observer of history will discover, that their practice is more lenient than the mildest doctrine of theorists. These have only to struggle between their pen and their paper; princes wrestle with the warm sympathies of nature. To the honour of practical humanity, only four instances of wanton and unnecessary murder occurred throughout the whole course of the American war; a forbearance which reflects equal credit to both parties. In the history of princes some instances of unnecessary severity may be found; but their general practice is just and merciful I, for instance, think that Cameron and Radcliff, in the later periods of our own history, should not have been executed. In 1688, the Irish brigades were taken into the service of France, and retained their own uniform; yet this country, though often courageously opposed by these troops, has not, in any instance, treated them as rebels when the fortune of war cast them into our power. In the rebellion of 1746, a whole regiment of them were taken, but no severity was practised. France herself, under Louis 14th conducted herself in the same way. Many of her regiments, after the cruel and impolitic revocation of the edict of Nantes, were taken into the pay of Prussia, Holland, and Great Britain, yet she never sacrificed these troops when they became prisoners. The battle of Fontenoy was gained principally from the exertion of the Irish brigade; and though they fought against us in an open and direct rebellion, these extremities were not thought of. Lord Ligonier, an officer of great note in our service, was a Frenchman by birth, and when taken prisoner fighting against France, was exchanged in the usual course for an officer of the same rank. The old humanity of princes, therefore, when fairly examined, need not shun comparison with the new-born republican tenderness of modern times, which has been boasted of with such insulting triumph and insidious detraction. Fact is the mortal enemy of declamation, as analysis is of rhetoric: and perhaps from some decay of imagination likewise, I feel myself much inclined to avail myself of these advantages on this occasion. The same instances of mercy and forbearance may be collected from the conduct of Germany, Sweden, and every other power in Europe. As to Germany, it is impossible not to recall the late cases of insurrection in the Netherlands, both of which were subdued by the main force of armies; yet what is the consequence? a general amnesty, and the voluntary establishment of those articles for which the people of that country contended. In Sweden too, how was the late murder of her king, and foul conspiracy against her government, punished? Was it in a manner which resembled the merciful judgments of the revolutionary tribunal? Mankind, therefore, has been better used by its rulers, than most people, judging only from theory, may imagine, and in fact, never experienced a pure and merciless tyranny before the Jacobin authority of France; and I must repeat what I have before said, that if every instance of oppression, injustice, and cruelty, throughout Europe for the space of one hundred years were collected together, the sum total would fall infinitely short of the same instances of tyranny which have occurred in any one week since the revolution of France. A general combination against a country, though not conclusive evidence, is a very strong presumption of its meriting the enmity which it has excited, and it may be ufeful to remind the House, that these combinations are not unknown to Europe. What other was the league of Cambray against Venice, or the confederacy against Louis 14th? Yet did these countries act as France now does? Did they talk of

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raising corps of assassins for their enemies, or of subverting or destroying every establishment in Europe? Did they massacre generals and ministers? On the contrary, it may be shown they became more moderate and merciful. In this country, when a man exposes his head in the pillory, he loses all pretension to credit: not so, however, when he exposes it at Paris in the guillotine; his credit remains, the head is all that is lost. A very stout republican, one Lanjaunai, whose republicanism could not, however, save his head from the democratic guillotine, has made a written declaration of some facts, which, as a member of the Convention, and a municipal officer of the city of Paris, he had particular opportunities of knowing. 1. That since the revolution no murder or pillage has been committed, in any once instance, but what was previously planned and agreed to by the reigning powers at Paris. 2. With respect to the dreadful carnage of September, 1792, it was settled by the five leading men of that day. That lists of proscribed people were previously handed about, in which the names of each person to be murdered was set down, and that the assassins employed received 100 sous a head for every object they dispatched, which, in two days only of that massacre, amounted to the dreadful number of 8,000 people. The terrific 14th of July, the deaths of Foulon and Berthier, all proceeded from the same arrangement and plan, which distinguishes the more settled progress of this mild and beneficent revolution. As the humanity of princes bear no comparison to the excesses of licentious anarchy, neither does their justice. To advert to the much-abused ancient government of France. Throughout the whole of Louis 16th's reign, I defy any one to produce me an instance of injustice, or the violation of private right. The only thing approaching to it was in a case between the crown and corporation of Bourdeaux relative to some land on the river Loire. This was seized on by the ministers as the property of the crown; on an application, however, to the king in council, after hearing the case, proposed, with his own voice, to return the land, which was accordingly done. Mirabeau, the inveterate enemy of the parliaments, owned, that their justice was without stain or suspicion, and that before their power, the ancient aristocracy itself trembled. As to the progress and event of this mighty contest,

"'Tis not for me this dark abyss to tread,
"And read the book which angels cannot read:

but I shall regard with great anxiety and dread, every event which gives strength to the power of France, and shall endeavour to oppose every attempt to justify and excuse the monstrous enormities which she has committed. These attempts at least tend to diminish the natural horror and indignation which is common to every well-disposed mind, in contemplating the events that have lately happened there. What we excuse, we are soon led to justify; what we justify, to admire; what we admire, to imitate. It has been said that they always sought a union with this country, and that they would now readily listen to any overtures of peace. I believe it; but then it must be on the terms of receiving their principles, and being exposed to their machinations. They say "Let me fraternize with you, and conquer Europe." On those terms, and those only, can any compromise take place. No uncertainty of future events or present evil can therefore be brought in comparison with this worst of all evils, rapid, unlimited, and irremediable.—As to the Scheldt being the object of the war, or any regulation concerning that river, you may as well talk of a chamber-pot being the object. It is to resist and destroy the savage power of a desperate gang of plunderers, murderers, tyrants, and atheists, with whom a state of war is a state of comparative respite and security. To treat with them is impossible. No one in France can answer for his head to-morrow. An idea of permanent authority is completely ridiculous. Each faction represents so many Ombres Chinois, who after dancing a while before our eyes, pass away in quick succession, and are heard of no more. This cunning and malignant enemy makes war on principles, desperate and unknown; she must therefore be opposed by vigorous and unprecedented measures, strong and comprehensive like the present. One of their plans has been to liberate at once all the blacks in the West Indies, and this not with a view of disseminating liberty, but of reducing into one common ruin our islands and their own. These horrid plans of desolation call for measures of the most speedy and vigorous counteraction; and if a war of destruction and extermination takes place, it is they who have caused it. All distinction between offensive and

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defensive operations is destroyed. Their power must perish, or Europe cannot be safe. For these desperate attempts, unfortunately they have found new and efficacious means of perpetration, the power of terror on the human mind was never completely known before; they have made it substitute or produce every quality they sought for, and thereby have gained possession of all the energies of which our nature is susceptible. It has been said, that their excesses have arisen from being goaded to fury by the combination against them. Did the former combinations in Europe against particular states produce this desperation? No. This apology for their savage excesses, is only to be found in English writings and speeches, and is brought forward as the last resort of argument. In fact, however, their crimes and outrages spring directly from their principles, and had existence long previous to the war—[a voice exclaimed "with this country."] I say that previous to the war with any country, they had degenerated into savages, and had excited the universal detestation of mankind by their own principles and spontaneous acts of ferocity. In the preceding history of Europe, no instance can be given of a general combination against liberty. Man seeking relief from oppression, and really struggling for liberty, is an object of irresistible compassion to all mankind, and even excites a sympathy in tyrants themselves. I therefore must declare, that I rejoice in the proposed plan of arming France against France, and most heartily approve of the principles on which it is maintained. The war must no longer be confined to the vain attempt of raising a barrier to the lawless and savage power of France; but must be directed to the only rational end it can pursue—namely, the entire destruction of the desperate horde which gave it birth.

Mr. *Fox* said, he had merely argued, that if, as had always been admitted, our compassion for the emigrants was not the cause of our going to war, then it was wrong to employ them in any cause of ours distinct from their own. He had not maintained the right, but that it was the general practice to treat such men as rebels. Of all arbitrary governments (for he never thought of comparing it with any free government), the old government of France was the most oppressive to the lower classes of people. He had said, that the combination against the French was the cause of many of their crimes, but if he was supposed to have stated that as an apology for them, he had been misunderstood.

Mr. *Burke* said, he knew that nothing could be farther from the intention of the right hon. gentleman; he had only considered what would be the effect of his argument. He was convinced that the right hon. member abominated the transactions now mentioned; but he was apprehensive his remarks might make a wrong impression on those who heard him.

Mr. *Sheridan* said, that there was one circumstance and one assertion, in which he believed he should be joined by the majority of the House, which was, that the disqualifying sentence passed by the right hon. gentleman upon himself, was altogether unfounded: for he never heard the right hon. gentleman display more talent, more variety, or more eloquence, than on the present occasion; and he had by no means shown any appearance of declining faculties or powers in the wane, except when he had found it convenient, for the sake of argument, to lose his memory. But though he acknowledged his splendid talents, he could not grant to the right hon. gentleman one quality which he assumed to himself, that of being a plain matter of fact man; for he certainly had never heard a more varied fancy, or splendid imagination displayed, or greater arts exercised to inflame the mind or mislead the reason. Humanity had been dwelt very much upon by the right hon. gentleman, and, was he not convinced to the contrary, he should consider him as displaying an instance of the total want of it, from the levity with which he spoke at all times when any opportunity occurred, of the murders, massacres, and guilotines of a neighbouring country. He could not this night say it was a smile of indignation; for throughout the whole of his speech, he was full of his jokes upon those serious and calamitous subjects. But as to the enormities committed by the people of France, and which he by no means was desirous to palliate, he only wished to inquire how far these were to be attributed to the people themselves, and how far to the ancient form of their government. The right hon. gentleman had said, that it was a strong presumption against any government, when the generality of mankind rose in arms against them. This position might be very true; but it was also a strong presumption against any form of

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government that chanced to be subverted by any sudden revolution, when the people who lived under that government were found, as soon as their bands were broken committing every species of violence and enormity, that the government itself was a bad one: for whatever enormities were committed by this people, they could not have learned from the sudden change of government; but must have acquired them under that government where their principles must have been formed. If they were prone to deprive others of their property, it was because they were accustomed to see but small respect paid to property: if they were eager to spill innocent blood, it arose from their being accustomed to see the life of man made light of, and the human form disregarded. The right hon. gentleman talked of the secucurity under the ancient government of France, when every man enjoyed himself in peace under his own vine and under his own fig-tree. But the right hon. gentleman could not be serious in the assertion, he must surely have lost all remembrance of what the ancient government of France was. He was also lavish in his praises of their courts of justice; which were notorious for their misconduct and perversion of right. Their clergy, at least the higher orders of them, were professed atheists or deists; and there was not a single man in the whole country who affected any knowledge of the world, or pretended to common sense, that would not consider the opinion of the right hon. gentleman with regard to their religion, an insult to their understanding, rather than a compliment to their virtue. Hence sprung those atheistical principles, that want of every virtue of which we complained. The right hon. gentleman had said that they were wild beasts before we attacked them, and that it was on account of their being so, that it was found expedient so to do. He wished to know, if previous to the attack of Prussia and Austria, they were the wild beasts the right hon. gentleman had described? If so, why did we not then attack them? Why rather boast of our partiality towards them, and express a wish to conciliate their friendship, and court their alliance? —[a cry of "No! no!"] at least it must be granted, that we endeavoured to conciliate them so far as to preserve peace with them, and were on every occasion, boastful of our observance of neutrality. The right hon. gentleman had also expressed a wish for a powerful army to break through the iron frontier of that country, and to make the emigrants the point of that wedge; to be sure, this was putting those gentlemen in the most dangerous post; but he had no doubt but that their high sense of honour would make them anxious to fill it. But were we certain of success from this measure, supposing we could even raise an army of two or three hundred thousand men? For, notwithstanding the idea of the right hon. secretary, that if he could once muster such an army it would maintain itself, he believed it would not be found so easy a matter to effect; for probably it would but induce the people to rise in bodies, and form a more considerable mass to oppose this formidable army; and it was a well-known fact, that in La Vendée there was at one period 200,000 men in actual rebellion; but even that number, formidable as it was, the Convention found means to suppress. He wished the right hon. gentleman to recollect, though he was convinced his memory was wholly unimpaired except when forgetfulness might be attended with convenience, that in the case of America this idea was held forth to the public, that the majority of the people there were really averse to the ruling power, and that they wanted nothing but encouragement to induce them to declare themselves; but this proved but a vain and delusive hope, and such would be the event of the present measure, and the present expectations held out to the public. The small word "Yes" which the right hon. gentleman affected to treat with so much levity, and upon which he unnecessarily displayed so much wit and humour, went to convey an approbation of a system of retaliation which was not a proper subject of mirth. But after all the right hon. member had been pleased to advance on the subject, it was impossible to say whether that system was to be adopted. A noble lord (Mulgrave) high in the service of his majesty, and enjoying the confidence of ministers, had declared, that in his opinion, the system of retaliation was to be adopted; and he supposed he did not say this without the approbation of those with whom he acted; but at the same time, he wished for an explicit declaration upon the subject. The savage nature of the French their unexampled ferocity, had been expatiated upon much at large; but, he believed, with regard to their treatment of

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their prisoners; they acted on humane and honourable principles. He wished to know from the noble lord if the fact was so or not. [His lordship nodded assent.] The right hon. gentleman had quoted a variety of precedents with respect to the doctrine of retaliation, and in each of these precedents, except with regard to America, he had completely failed. The first was the conduct of the English with regard to the Irish regiments in the French service in the year 1745; a space of near 60 years, when they took some of them prisoners; but it was not very probable that many of those who left Ireland in 1688, returned to invade England in 1745: but even in this he made an exception with respect to some who were engaged in a plan to subvert the government of this country, who were punished; which would be exactly the situation of the persons to be employed under the present bill. The next precedent was, the conduct of the French to lord Ligonier, when taken prisoner, who was one of the French refugees banished from France by the revocation of the edict of Nantz in 1682, and he was taken prisoner in the year 1747; so that the probability was, that it was the father of his lordship who was a refugee, or at least that his lordship must have been but a child in arms at the time.—But what was the object of this war? to subvert the existing government of France, or to destroy the ruling powers there; and therefore it was possible that such of the subjects of France as were taken in arms for this purpose, would be treated as rebels. Those frantic, furious, and murderous dispositions which the French had discovered, were not shown, says the right hon. gentleman, by Louis 14th, when all Europe united against him, nor by the Venetians when the league of Cambray was formed; for this plain and obvious reason, that there was, no intention to destroy Louis 14th, or his government, or to subvert the established form of government of Venice; but in the present case, our avowed object was, the subversion of the existing power of France, and those who bore rule there. In the early part of his speech, the right hon. gentleman treated with much levity and ridicule, the humanity professed by his right hon. friend (Mr. Fox) towards the emigrants. We afforded compassion—we sympathized with them—but we would not do any thing to restore them. The application of the principle of humanity to them was this, not to hold out to them a promise of protection, which we might not afterwards be able to afford. He called to the mind of the right hon. gentleman, the protection promised to the people of La Vendée, but never granted. He desired him to recollect the promised protection of the Toulonese, whom we afterwards proved unequal to protect. He wished also, if necessary, to refresh the memory of Mr. Burke on the subject of holding out protection to the American loyalists; a principle against which the right hon. gentleman himself wrote, and spoke with infinite ability, and predicted what would be the consequence of such offered protection; predictions which were afterwards completely verified. With regard to the present bill, if it passed in the form in which it then was, the House of Commons would abandon those two great principles upon which their authority depended—the power of a check upon the crown, by having an annual opportunity of disbanding the army, and the guardianship of the public purse. Under the unlimited authority, both as to the expense that may be incurred, and the number of troops employed, the king if he chose, might not call a parliament next year.

The bill was read a third time, and passed.

King's Message respecting the Treaty with Prussia; and Convention with Holland.] April 28. Mr. Secretary Dundas presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty has ordered copies of a treaty, which has been signed at the Hague, by the plenipotentiaries of his majesty and the States-general of the United Provinces on the one part, and by the plenipotentiary of the king of Prussia on the other part; and likewise of a convention agreed upon between the respective plenipotentiaries of his majesty and the states-general, to be laid before the House; and his majesty, relying on the zealous and affectionate support of his faithful Commons, in the vigorous prosecution of the war in which he is engaged, recommends it to this House to consider of making provision towards enabling his majesty to fulfil the engagements which his majesty has entered into, as well as to defray any extraordinary expenses which may be incurred for the service of the present year, and to take such measures

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as the exigency of affairs may require. G. *R.*"

Copies of the Treaty with Prussia—and Convention with Holland.] April 28. The following Papers were presented, by his Majesty's command, to both Houses:

Translation of a TREATY between his Majesty, the King of Prussia, and the States-General of the United Provinces, signed at the Hague, the 19th of April, 1794.

Their majesties the king of Great Britain and of Prussia, and their high mightinesses the states-general of the United Provinces, being animated by the same desire of putting a stop to the progress of the system of anarchy and crimes by which civil society has been menaced, and being desirous of concerting together to support in the most effectual manner the common cause in which they are engaged, in consequence of the unjust and cruel war, which the persons, who exercise the powers of government in France, have raised up against several of the great powers of Europe, have agreed, in conformity to the bonds of friendship and alliance which so happily unite them, to conclude the present treaty; and for this purpose, they have named their respective plenipotentiaries; to wit, his Britannic majesty, the lord baron of Malmesbury, a peer of the kingdom of Great Britain, privy councillor, knight of the order of the Bath; his Prussian majesty, the sieur Chretien Henry Ceerce, comte de Haugeviz, his minister of state, of war, and of the cabinet, knight of the order of the Red Eagle; and their high mightinesses the states-general of the United Provinces, the sieurs Laurent Pierre van de Spiegel, counsellor pensionary of the province of Holland and West Friesland, keeper of the seals, and deputy of the said province at the assembly of the states-general, and Henry Fagel, greffier of their high mightinesses; who, after having communicated to each other their respective full powers, have agreed upon the following articles:

Art. I. His majesty the king of Prussia engages to furnish an army which shall be composed of 62,400 men, conformably to the establishment which he has caused to be delivered to the ministers of the maritime powers, which establishment shall be considered as making part of the present treaty. This army shall remain united under a Prussian commander, and shall act in the most effectual manner against the common enemy, either separately, or jointly with a body of troops in the pay of the maritime powers, or of one of them. The said army shall be and shall remain as complete as possible, and shall be employed, according to a concert on military points between his Britannic majesty, his Prussian majesty, and their high mightinesses the states-general of the United Provinces, wherever it shall be judged to be most suitable to the interests of the maritime powers. This army shall arrive at the place of its destination on the 24th of May 1794, or sooner if possible: it shall be provided with field pieces, with their carriages, and also with the tents, and all military equipments necessary for acting in the field.

Art. II. It is agreed by the high contracting parties, that the troops which his Prussian majesty is bound to furnish to his Britannic majesty, and to their high mightinesses, by virtue of the respective treaties of alliance between his Prussian majesty and the maritime powers, shall be comprised in this army of 62,400 men, and that by employing the said army in the manner declared in this present treaty, his Prussian majesty shall be deemed to have furnished to his high allies the succours stipulated by the said treaties.

Art. III. In order to facilitate to his Prussian majesty the means of acting with vigour, and conformably to the sentiments of zeal and concern for the common cause with which he is animated, his Britannic majesty and their high mightinesses agree to furnish to his Prussian majesty a subsidy of 50,000*l.* sterling per month, until the end of the present year, and to be reckoned from the beginning of the month in which the present treaty is signed.

Art. IV. His Britannic majesty and their high mightinesses will pay to his Prussian majesty immediately, the sum of 300,000*l.* sterling, to enable him to defray the charge of completing the above-mentioned army, and the first expenses necessary for putting it in a state of action, and for carrying it to the place where it is to act; and at the period of the return of the said troops, his Britannic majesty and their high mightinesses will moreover pay to his Prussian majesty the sum of 100,000*l.* sterling, for the expenses of the return of the army into the territories of his Prussian majesty. The said payments for the expenses of completing and putting the troops in motion shall be made immediately after the exchange of the ratifications, as well as that of the first subsidy, to be paid monthly, of 50,000*l.* sterling. The following months shall be discharged in advance at the beginning of each month. All these payments shall be made at Berlin, by the maritime powers, agreeably to such arrangement as they shall agree upon between themselves; and the pound sterling shall be reckoned at six crowns in Frederics d'Or.

Art. V. The above-mentioned subsidy and payments shall satisfy all demands which his Prussian majesty might be entitled to make upon the maritime powers for the expenses of the army; all these expenses, of what nature soever they may be, being to be defrayed by his Prussian majesty, with the exception only of the expenses of bread and forage, which shall be furnished by the maritime powers, as well for the 32,400 men whom his

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Prussian majesty engages to employ over and above the stipulated succours, as for those succours themselves, in a manner conformable to the terms of the treaties of alliance subsisting between the maritime powers and his said majesty. But in order to avoid the difficulties which might arise relative to the furnishing of these articles in kind, the high contracting parties agree that this expense shall be satisfied in money, reckoning at the rate of 1*l.* 12*s.* (stg. money of England) per month, for each man of the 62,400, to be furnished by his Prussian majesty, according to the establishment hereinbefore mentioned, and the payment of this sum shall be made in advance, at the beginning of each month, in the same manner as that of the subsidy and shall begin the same day; but, if it shall happen in future that any variation shall be made, by consent of the high contracting parties, in the respective proportions of infantry, cavalry, and artillery, settled by the said establishment, in such case a new valuation of the aforesaid pecuniary aid shall be made, according to the new proportion of rations and portions which may result from the said variation, so that the said evaluation may not be beyond the actual expenses occasioned by the furnishing of the articles in question, according to the proportion of men and horses which shall be employed.

Art. VI. It is agreed that all conquests made by this army shall be made in the names of the two maritime powers, and shall remain at their disposal during the course of the war, and at the peace to be made such use of as they shall then judge most proper.

Art. VII. The two maritime powers shall name two persons, commissioned to reside in their names at the head quarters of the Prussian army, to keep up the necessary communication and correspondence between the respective armies.

Art. VIII. This treaty shall continue in its full force until the end of the present year 1794.

Art. IX. The present treaty shall be ratified by all parties, and the exchange of the ratifications shall be made in the space of one month, or sooner if possible.

In witness of which, we, the plenipotentiaries of his Britannic majesty, and of his Prussian majesty, and of the lords States-General of the United Provinces, by virtue of our respective powers, have signed the present treaty, and have hereunto affixed the seal of our arms.

Done at the Hague, the 19th of April in the year of Grace, 1794.

(L. S.) Malmesbury.
(L. S.) Haugeviz.
(L. S.) L. P. van de Spiegel.
(L. S.) H. Fagel.

Separate Article.—The plenipotentiaries of their high mightinesses not having thought themselves empowered to contract, at the present moment, any engagements relative to the payment of the subsidies stipulated in the present treaty, beyond the term of the present year, this treaty has been concluded only for that term; but their Britannic and Prussian majesties being desirous of continuing the effect of the aforesaid engagements until the end of the war, will enter into farther concert, as well between themselves, as with their high mightinesses, for the renewal of the present treaty for so long as the war shall last, on the same conditions as are therein declared with respect to the troops, to their empolyment, and to the payment of the aforesaid subsidies, as well as to the furnishing bread and forage, conformably to the fifth article of the treaty; without, however, adding any thing for the expenses of completing the troops, or for those of putting them in motion.

Done at the Hague, the 19th day of April, 1794.

Translation of a Convention between his Majesty, and the States-General of the United Provinces, signed at the Hague, the 19th of April, 1794.

His Britannic majesty and the lords the States-General of the United Provinces, desiring to put his Prussian majesty into a situation to prosecute with vigour the war in which the greatest part of the powers of Europe find themselves engaged, through the unjust aggression of those who have exercised the powers of government in France, a negociation has been opened for this purpose at Berlin, which, having since been transferred to the Hague, has been there terminated by the treaty of subsidy concluded this day, by which the maritime powers have engaged themselves to furnish to his Prussian majesty the sums specified in the above-mentioned treaty, to the ends which are also announced in it. In consequence of this treaty, his Britannic majesty, and their high mightinesses the lords States-General of the United Provinces, desiring to come to a further understanding between themselves upon the re-partition of the said sums to be furnished to his Prussian majesty, have resolved to conclude for that purpose, between themselves, the present convention, and have named in consequence, that is to say: his Britannic majesty, the lord baron Malmesbury, peer of the kingdom of Great Britain, a privy councillor, and knight of the order of the Bath; and their high mightinesses the States-General, the sieurs Laurent Pierre van de Spiegel, councillor pensionary of the province of Holland and of West Friesland, keeper of the seals, and deputy of the said province at the assembly of the States-General; and Henri Fagel, greffier of their high mightinesses. Who, after having mutually communicated their respective full powers, and having found them in good and due form, have settled the following articles:

Art. I. Their high mightinesses the States-General shall furnish for their quota, part of

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the entire sum to be paid to his Prussian majesty, in order to enable him to fulfil the engagements which he has contracted by the treaty of subsidy concluded and signed this day, the sum of 400,000*l.*, sterling, after the same valuation which is stipulated for in the above-mentioned treaty; which sum shall be divided in such a manner, that 100,000*l.*, sterling may be appropriated to answer a part of the expenses expressed in the said treaty under the name of "Charges of completing, of putting in motion, and of return," whilst the remaining 300,000*l.*, shall be divided into nine equal portions to answer, in part, the expenses of bread and forage, according to the valuation of the said treaty, and in part of the subsidy which his Britannic majesty and their high mightinesses have engaged themselves, by the third article of the treaty, to furnish to his Prussian majesty.

Art. II. As the existing circumstances do not permit their high mightinesses to enter into engagements of subsidy for an indefinite term, it is understood that the present convention will not be extended beyond the term of the current year; but, if unhappily the war should not then be finished, his Britannic majesty and the States-General would consult together, in order to take, from time to time, all the adequate measures for renewing this convention, and for supporting with vigour the just cause in which his Britannic majesty and their high mightinesses find themselves engaged.

Art. III. The present convention shall be ratified on both sides, and the exchange of the ratifications shall take place in the space of one month, or sooner if it be possible.

In Faith of which, we, plenipotentiaries of his Britannic majesty, and of the Lords States General of the united provinces, in virtue of our respective powers, have signed the present convention, and affixed to it the seal of our arms.

Done at the Hague, the 19th of April, 1794.

(L. S.) Malmesbury.
(L. S.) L. P. Van de Spiegel.
(L. S.) H. Fagel.

Debate in the Commons on the Treaty with Prussia; and the Convention with Holland.] April 30. The House having resolved itself into a committee to which the king's Message, and the Treaty with Prussia and Convention with Holland were referred,

Mr. *Pitt* rose and said:—The committee will perceive that the Message comprehends two objects. The first relates to the specific treaty entered into between his Majesty and the States-general on the one hand and the King of Prussia on the other, and the Convention between them, for the purpose of carrying on the war; the second relates to the provision which must be made, in order to enable his majesty to fulfil his engagement so entered into. On the first of these objects, I shall chiefly dwell at present. I am aware of the great importance of the treaty with Prussia, not only from the large sum stipulated to be paid on the part of this country, but still more when considered as connected with the nature of the present contest. I will not disguise from the committee, that it would be much more satisfactory to me to be able to state that the king of Prussia still continued to take part in the war as a principal, acting on his own bottom, and from his own resources, than that he has now adopted the resolution to take only a subordinate part, and to rely on the other powers for defraying the expense of his future operations. To those who consider the interests of every monarch as equally involved in the issue of the present contest, it may be matter of question, whether the court of Berlin ought not to have continued its exertions, even under the most severe pressure, without applying for the assistance now solicited. But though it must be granted that the court of Berlin, in common with every other regular government, had so great an interest in the contest, and though they no doubt felt that interest, it might yet strike their consideration, how far their interest in the contest was equal to the expense of carrying it on, especially when it was recollected what was their ability to support that expense. It was obvious that Prussia, from the state of its commerce, its population, its constitution, did not possess the same resources for carrying on the war as were enjoyed by the other powers. In that share which it contributed to the expenses of the war, Prussia was drawing upon a treasury which could not be exhausted without hazarding its entire destruction. In this point of view it might be a question to timid politicians, whether the danger of any consequences that might result from declining the contest, was so great as that threatened by the consequences of carrying it on? Had I been an adviser of the court of Berlin, such is my view of the nature of the contest, that I have no hesitation in saying, that it ought at all events to have been carried on, and that no danger which could have been incurred by the contest itself, was so great as that of de-

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clining it. But if the court of Berlin is either unable or unwilling to proceed farther in defraying the expenses of the war from its own resources, all these circumstances in its situation which had the effect to deter it from acting any longer as principals, ought to have a directly contrary effect with respect to us. How much soever we may regret, or disapprove the secession of the king of Prussia from the common cause, there can be no doubt that if his efforts can at all be effectual to the purposes of the war, it is still desirable to secure the use of them. It remains, then, only to consider the terms of the treaty, and what proportion the force secured for the service bears to the stipulated expense by which it is to be obtained. By the first article of the treaty his Prussian majesty engages to furnish an army of 62,400 men, and this, independently of his contingent of 20,000 as a member of the Germanic body, for the service of the war. It is to be recollected, that even in the event of having withdrawn his co-operation, he would have been bound, by existing treaties, to have furnished to Great Britain a stipulated succour of 20,000 men, and to Holland of 12,000, so that the whole additional force secured by this treaty amounts to 30,000. The terms, upon which this force is procured, are, that his British majesty and their high mightinesses shall pay to the king of Prussia a sum of 400,000*l.* to defray the expenses of the equipment and the return of this army; and likewise a subsidy of 50,000*l.* per month, which, with the expense of bread and forage, calculated at a certain sum per man, will amount altogether in the course of a twelvemonth to 1,800,000*l.* of which 400,000*l.* are to be paid by Holland, and the remaining 1,400,000*l.* by this country. Now, it is to be remarked, that if we had received the stipulated succours of 20,000 men, we were still bound by treaty to have provided them with bread and forage, a circumstance which considerably diminishes the additional expense incurred by this treaty. It is stipulated on the part of his Prussian Majesty, that all other expenses necessary to this army shall be defrayed by him, and that it shall arrive at the place of its destination on the 24th of May. In the 6th and 7th articles it is agreed, that all conquests made by this army, shall be made in the name, and remain at the disposal of the two maritime powers. In a separate article it is provided, that the same concert shall be kept up between his British majesty and the king of Prussia beyond the present year, in order to secure the effect of their present engagements, until the end of the war. The result of the whole is, that it gives us for the service of the war, the co-operation of 62,400 of the best military troops in Europe. There arise, then, two questions: first, whether engaged as we are at present in the war, it is material for us to have the co-operation of such a force in carrying it on; and, 2dly, whether we could have had it to the same extent from any other quarter. To neither of these points can I conceive it necessary to speak; it will on all hands be admitted, that as such force was of the utmost consequence to us in carrying on the war, so neither was it to be procured any where else. There remains, therefore, only a third question: how far the terms upon which this force has been obtained, may be considered reasonable? The charge for the outfit and return of 30,000 men is 400,000*l.* This sum, which includes all the expenses of levy-money, equipment, &c. amounts to about 13*l.* per man. In order to judge how far this is a reasonable charge, it is proper to compare it with what it would have cost to have brought into the field the same number of British, Hanoverian, or foreign troops. At the same time, we must remember that it was impossible for us to have procured an equal number of troops either at home or elsewhere, for the service of the war. And if we look at home, we shall find that the mere article of levy-money would have cost us about 15*l.* per man, independently of the other expenses of arms, clothing, &c. Let us now consider what are the other expenses for maintaining these troops in the field. We are to pay to the king of Prussia, a subsidy of 50,000*l.* per month; a sum much less than if taken in the proportion per man we pay for British troops. For every Hanoverian soldier we pay about 23*l.* per annum, and for Hessians much in the same proportion; so that we have these troops at a much cheaper rate than we could have been supplied from any other quarter.—Such is the detail into which I have thought it necessary to go; and I trust that those who approve of the principles upon which the war has been undertaken, will not complain of the terms upon which so large

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a force has been obtained for the service of the war.—There is one point which still remains to be touched upon, and that, it must be confessed, is of the most material consequence, namely, what command we are to have of these troops, and how far we are to have the power of employing them. It cannot be expected that we should have the same unlimited command of these troops as of the Hanoverians and Hessians. It is not possible to hope for the co-operation of the second great military power to as great an extent, or upon the same terms, as that of those smaller powers, who hold a rank comparatively insignificant in the scale of Europe. You cannot hope to secure the co-operation of such a power without giving some scope, both to the military spirit of the troops, and the thirst of military glory in their monarch. You do not, therefore, by this treaty acquire the exclusive direction of these troops. It is only stipulated, that they shall be employed in concert with the British arms, and for British purposes. Wherever, indeed, you have had occasion to give subsidies to any of the great powers of Europe, such as Germany, Hungary, Prussia, you have always been sensible that you have had much less control over their operations, and that they could be expected to take much less interest in your concerns. In the present instance, indeed, you have given a subsidy to the king of Prussia, in order to secure his offensive co-operation in a war in which he has an interest in common with you, and with every other established government. But let it be recollected, in what circumstances subsidies have formerly been given to the same power. You have given him subsidies for the purpose of carrying on a war in which you yourself took no immediate part, merely on the score of his usefulness as an ally, and from the interest which you felt in the general situation of Europe. You have given him subsidies for the purpose of defending his dominions against Austria, a power with which you were not then at war. At a period of history prior to that to which I now allude, you gave a subsidy to the queen of Hungary, for the purpose of defending her own dominions. I quote these instances not to mark them with any degree of censure, for they took place in the best periods of this country, but only to show how much they go beyond the present. You have now, for the first time, the good fortune to secure the effectual co-operation of the king of Prussia in a manner more subject to your control, and for purposes more immediately British, than at any former period. I am ready to contend that the circumstances of this treaty afford matter of joy and satisfaction to this country. It may be asked by gentlemen on the other side, is it any matter of joy and satisfaction to the country to pay 1,350,000*l.* in addition to its present burthens? I would ask these gentlemen, is it any matter of joy and satisfaction to be at war, or to be obliged to sacrifice the blood and treasure of British subjects in a contest, on the issue of which, however, depend the dearest and most sacred rights of this country, and the general happiness of Europe? But it is matter of joy and satisfaction, to have it in our power to make, in the most effectual manner, those exertions which we are invited to make by the zeal of the people, and for which the resources of the country enable us so amply to provide.—I shall now say a few words with respect to the vote of credit that it may be necessary to pass, in order to enable his majesty to fulfil his engagements, and to defray any extraordinary expenses which may occur during the recess. The sum which I would propose for this purpose is two millions and a half. The extraordinary expense incurred by the Prussian treaty for the present year, amounts to 1,350,000*l.* which leaves a sum of 1,150,000*l.* for other extraordinary services. But it will be recollected, that in my statement of ways and means, I took no credit for the surplus down to the 5th of April, amounting to 231,000*l.* already voted by the committee of ways and means. This, with other sums, will leave, after the payment of the Prussian subsidy, a sum of not less than 1,650,000*l.* applicable to the other extraordinary expenses of the year.—Mr. Pitt then moved "That a sum, not exceeding 2,500,000*l.* be granted to his majesty, to make good the engagements which his majesty has entered into with the king of Prussia, as well as to defray any extraordinary expenses which may be incurred for the service of the year 1794, and to take such measures as the exigency of affairs may require."

Mr. *Fox* wished to make a few observations upon the very extraordinary speech of the right hon. gentleman. For

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if what he had advanced were true, let the wealth of this country be ever so great, it would be of little or no avail in the prosecution of the war. It seemed to convey this idea, that we were not only to subsidize the king of Prussia, and enable him to carry on his operations in the war, whenever he might be tired of so doing at his own expense, but also to bear the whole expense of any other power, whenever that power should be in the humour to express the same inclination. The right hon. gentleman had said, that if he had the honour of advising the court of Berlin, he had no doubt which way his opinion would be given; because the existence of the nation depended on the issue of the contest; but that the court of Berlin, from a consideration of the restricted commerce, the limited resources, and the nature and form of the constitution of Prussia, might have entertained doubts how far it was prudent to remain a principal in this contest; yet, notwithstanding these considerations, the right hon. gentleman would have had no hesitation in advising that court to have continued a principal in the war. The House would recollect, therefore, that it was told by the minister of the king of England, that his ally, the king of Prussia, had been so ill advised, that he had taken the timid, the weak, the mean, the wicked, the shameful and scandalous determination, by abandoning the war, of abandoning his own honour, abandoning the interest and safety of his own subjects; this was the amount of that observation. The right hon. gentleman had not, however, stopped there; he went farther, and said, since this was the case since such had been the disgraceful conduct of Prussia, such the timid and pusillanimous result of the councils of the court of Berlin, that Great Britain ought to step forward and press the king of Prussia to proceed contrary to the advice of his counsellors, and engage to bear the expense. What! when Spain, Austria, and all the other powers, might come to the same resolution; Yes, though all Europe should come to that resolution; for he had said, that from the moment that resolution was taken, it became our interest and our duty to stand in the place of this monarch, and to say to him, "Since you are so ill advised upon this business, and are determined to withdraw yourself from the contest, let us have your troops, and you shall have our money." Mr. Fox said, he wished to ask whether the whole of that argument was not applicable to Spain, and to all the other combined powers, at present at war with France? This was not an idle speculation, it might soon become a reality. Did the right hon. gentleman know the resources of Austria? Had he any thing to say, that could give the people of this country any ground to hope that the same difficulty would not be felt by the other powers as had been expressed by Prussia? They had the same circumstances of difficulty with regard to their wealth and commerce; and all, except the Dutch, the same defect with respect to their constitution. Was there any inconvenience felt by the king of Prussia, that did not belong, in a great degree, to the emperor, to the king of Spain, and to the other combined powers? What, then, was to be expected to be the result of all this? Why, that the whole expense would eventually fall on Great Britain. He laid the more stress upon this because the whole force of the right hon. gentleman's argument went to this point. When this came to be coupled with the avowed object of the war, the total destruction of the French government, the situation of this country was dreadful. If we should be of opinion, that our existence as a nation depended on that point, as the right hon. gentleman's argument maintained, and the other powers should follow the steps of the king of Prussia, then, for the sake of our own existence, we might be brought to pay for every man and every horse in Europe, employed against the French in the present dreadful contest. From our conduct in this war, it would seem as if we had been originally attacked in it, and Prussia not at all; as if France had attacked us in the East and the West-Indies: and that the king of Prussia was only at war with France as our ally and assistant. But we all knew the fact to be otherwise, that the king of Prussia originally began it; and, for any thing we could now prove to the contrary, it was that very beginning of his which brought on the aggression made by the French on Holland, and which involved us in the contest. What does the king of Prussia say to us upon this occasion? Does he say "Sorry I am that I have involved my friends in a disagreeable situation; that I have, without intending it, brought upon them the calamities of war; but now that I have done so, I feel myself bound, by every tie of honour and of justice, to double

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nay treble my efforts to get them out of it?" No: the language was this, "I have got Great Britain and Holland into this contest: they are involved in it at this moment from my adventure, and my dominions are more remote, and consequently not so immediately affected as theirs: I will discontinue my efforts, unless they choose to bear my expenses."—It was hardly possible for the mind of man to conceive a circumstance more odious, and more liable to suspicion of every kind, than this conduct of the king of Prussia: it had in it such materials, and was composed of a mixture of fraud, perfidy, and meanness perfectly new to all modern political history. He had declared it to be our cause, and not his; and that he would proceed no farther on his own account. So infamous, indeed, had been the conduct of the king of Prussia, that it was impossible for any man of the least prudence to trust that court in any thing; and yet this was the court to which the people of this country were, by the proposal of the minister of the king of England that night, to pay 1,350,000*l.* for carrying on the war which that court itself commenced. What security had we even after agreeing to pay this money, that the king of Prussia would not say, he had met with farther difficulties, and make another demand of us, even in the course of this campaign? What confidence could we place in a person who had already betrayed all confidence? How did we know that the success of this application would not give birth to others? Though some might be disposed to blame them, yet in his mind Austria and Spain might come to us with a much better grace, with more honour, and with more reason, for a subsidy than Prussia. All this while, however, it would seem that he was mistaking the thing altogether. It was not Prussia that asked this of us, it was we who requested Prussia to accept it. It seemed as if the existence of Great Britain, as a nation, depended upon this assistance of Prussia. This was called a day of good fortune to England. A day of "joy and satisfaction!" The right hon. gentleman, indeed, seemed struck with the words as soon as he used them, and on that account had endeavoured to explain them away, the explanation, however, was of a curious nature. It seemed that the existence of Great Britain, as a nation, depended upon this assistance of Prussia: and on this account it was matter of joy, that we possessed the means of affording this assistance. It might be compared, not to the case of a man congratulating his friend afflicted with a dreadful disease, that though the amputation of a limb might be painful in the operation, and perhaps doubtful in the event, yet that it would probably save his life; but it resembled the case of a man expressing to that friend his joy and satisfaction that there were no other means of saving his life. It might have been wished that the minister had possessed a better taste than to have selected such a topic as a theme of joy. It should have been spoken of as a scene of painful suffering, such as this country had seldom if ever before felt. Having said this, he wished to know in what light we were to consider the situation of the king of Prussia in the war at this moment? It was at least extremely ambiguous. Had he ceased to be a principal or not? Indeed, the right hon. gentleman had given no information on that subject; for a good reason, because he had none to give. But he had thought proper to allude to other treaties, and to take what he called a comparative view of them and of the present; and in doing this, he had recourse to a paltry quibble, that was unworthy of him. He was surprised that a man, pretending to any thing like intellect, or who had a mind of any size, should attempt it. He meant the allusion to the subsidiary treaty with Prussia against the power of Austria, in the year 1758, at a time when we were not actually at war with the House of Austria, though it was well known that at that period France was supporting the empress queen in Germany, and we engaged, in opposition to them, to espouse the interests of the House of Brandenbourg. To revert, therefore, to his question, he would ask, whether the king of Prussia was any longer to be regarded as a principal in the war, or not? If he was to be regarded as a principal, why was he to be treated with on the footing of a neutral power, or why were we to hire 30,000 men above those he was bound to furnish us with by treaty, merely to enable his Prussian majesty to display his thirst for military glory at our expense. The next point to be considered was, the command of the troops that were to be employed, and for which we were to pay the king of Prussia. The right hon. gentleman had said, it was proper they should be under the command of a prince

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so fond of military glory; now, he did not expect to hear that it was a matter of "joy and satisfaction" to the people of this country, that when their money was voted for the maintenance of an army, some officer of their own was not to have command and control over them: in the common course of common sense, it might have been expected, that those who paid them should command them, instead of giving the command to a person who had already given such very indifferent proofs of integrity. In the next place, however, we were informed, that this subsidized army was to be employed for British purposes, and that the conquests it might make were to be placed to the advantage of the maritime powers; but a very slight reflection would convince the House, that this boasted convenience was productive of no beneficial consequences; but, on the contrary, rather tended to retard than to accelerate the purposes for which the treaty had been made. The great object of all these treaties was, to enable the continental powers with whom we were connected to fight their own battles with effect, and to create so powerful a diversion on the side of France, as to hinder the full effect of her naval exertions. When this was understood to be the nature and effect of these alliances, every contracting party under the influence of private interest would naturally be disposed to the utmost exertion for the common cause. But we were now so diffident of the zeal of our allies, that we were determined to make it entirely a British and Dutch concern; and yet to employ a monarch to act in our behalf, who took no interest in the issue of the enterprises he might undertake. The right hon. the chancellor of the exchequer had been as perspicuous as he usually was in matters of detail, in his comparative estimate of the expense of this subsidiary treaty, and those which had been concluded between this country and the other German princes. But without examining into the minutiæ of these different treaties, he would only remark, that under the stipulations of the treaty of 1787, the king of Prussia was bound to furnish the king of Great Britain and the states of Holland with 32,000 men, for the sum of 600,000*l.*, so that every shilling of the remaining part of the aggregate sum was appropriated to the payment and sustenance of the additional 30,000 men, which was at the rate of at least 12*l.* per man, exclusive of the 400,000*l.* which were to be paid to the king of Prussia before he began his march; so that upon the whole the sum of sixteen hundred thousand pounds was to be paid to this prince during the first nine months of our alliance with him.—On this part of the subject it was not, however, his intention to dwell any longer, as the terms of this bargain gave rise to inquiries of very inferior moment, when compared with those more important suggestions which arose from the general view of the subject, and the character and conduct of the party with whom we had formed this alliance. And here he would ask the House, whether the perfidious conduct of the court of Berlin to France and Poland was a sufficient motive to induce us to place implicit confidence in its future adherence to the faith of treaties? Or could we hope to derive much benefit from the protection of the king of Prussia, when his having ruined his own subjects, and exhausted his treasury, were assigned as the principal reasons for affording him this supply of money? He was also under some difficulty as to the extent of the engagements under which the states of Holland had come by the stipulations of this treaty: for, according to its tenor, we were bound, in the first instance, to pay the king of Prussia the whole of this sum, and had only the collateral security of Holland to the amount of 400,000*l.*, and the Dutch were only bound to make this payment for the course of the current year; whereas, by a separate article, we had agreed to continue it during the continuance of the war. The right hon. gentleman was, indeed, better acquainted with the resources of the states of the United Provinces than he could pretend to be; but, could he give the House any assurance, that they could bear this expense for any longer period than the present campaign, however willing they might be to continue it farther? And however that might be, he was compelled to say, that amidst the general commiseration which he felt for every nation involved in this contest, he could not help feeling, in a peculiar manner, for the Dutch, because he was persuaded they were forced into the war against their inclination, and because otherwise they would have preserved their tranquillity by a candid and open negociation. At the commencement of the war, we were told that the Dutch were seriously aggrieved by the French. It was contended, that we were bound to maintain to the Dutch

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the exclusive navigation of the Scheldt. But did they complain of the infringement or aggression? Certainly they did not; they would, however, have complained; but such was their situation, and such their awe of the French, that they dared not. Now gentlemen began to speak more openly, and ridiculed those who could be so weak as to believe that these were the grounds of the war. One right hon. gentleman had exclaimed, "A war for the Scheldt! une guerre de pot de chambre! Do you really think so? Are you really such fools? Are you such ideots as to think that what was held forth in the king's speech, and in the address of this House in answer to it, as the pretences of the war, to be really the objects of the war?" Sir, (said Mr. Fox,) to tell you the truth, I am not that fool; for I never did think so; and I as much believe that ministers went to war for the exclusive navigation of the Scheldt to the Dutch, as they would for the mean object alluded to by the right hon. gentleman.—But was it probable that this measure of subsidizing the king of Prussia would be in the end effectual? The different powers in the confederacy were in distressed circumstances already. If report spoke truly, this application for a subsidy to the king of Prussia was made to other powers before it came to us: others had had an opportunity of sharing in the glory of this day, but they had declined the honour; it was reserved exclusively for Great Britain. If report spoke truly, the emperor had the offer of that honour. If report spoke truly, the king of Spain had the same honour. If report spoke truly, they were all unable to defray their own expenses; even the empress of Russia was in that situation. It was prudent of them not to engage to defray the expenses of others, before they were able to discharge their own. It appeared now that Great Britain was engaged in a contest with such an enemy as the king of Prussia had described the French to be, and that she possessed such allies as, the Dutch excepted, could not afford to furnish one farthing for any external assistance. Even Russia, if she could be considered as an ally, possessed very insufficient finances. If Great Britain, therefore, was to supply all the wants of her allies; if she was to be the only power by whom resources were to be furnished, what wealth, great as he allowed the wealth of this country to be, would be adequate to supply such wants, and to furnish such resources? With those sentiments of the objects of the war, which the allies knew the government of this country to possess, it would be needless to higgle about the amount of a subsidy; for as the assistance of the allies was contended to be necessary, they would themselves settle the amount of such subsidies, and, according to the arguments of the right hon. gentleman, their demands must be complied with, whatever those demands might be.—After adverting to a part of the right hon. gentleman's speech which, he contended, furnished him with a supposition that the subsidy to Prussia had been foreseen at the period when the budget was opened, but that the minister had been disappointed in the expectation of the amount of the subsidy, Mr. Fox next touched upon the expenses of the war. The present year, he contended, would be a more expensive one than this country had ever experienced. It could be considered, however, only as the first year of the war, and the committee might be assured, that the expense would increase every year during the continuance of the war. When the people took this into their consideration, when they considered the great scale on which taxes had been imposed this year, and the load that would be laid upon them next year, when they reflected, too, upon the principle of subsidizing all Europe, the present day, he believed, would be to them a day not of "joy and congratulation," but of real national concern. They would see, that if the present system were persevered in, this country would at length be reduced to the exhausted state in which Prussia now was, but that, unlike Prussia, she would have no Great Britain to recur to for assistance, no credulous dupe to supply her wants; she would find all her allies equally, perhaps more exhausted than Prussia, who, he believed, was even now not the poorest of them. He for his part, thought, perhaps, more highly of the resources of this country, than the most learned man who had ever yet spoken or written upon them; but, as an hon. friend of his (Mr. Whitbread) had said, they were like every thing else in human affairs, finite; they ought not therefore to be opposed to expense that was infinite.—He then advised the committee to think of the probable effect on the people of a great accumulation of taxes, in the prosecution of an object which appeared to him to be unattainable, namely, success in the war, according to the present avowed object of it,—the total destruction of the government

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of France. For these reasons, he should move, by way of amendment to the present resolution, "That the sum of 1,150,000*l.* be inserted instead of 2,500,000*l.*"

Mr. *Windham* said, that Mr. Fox had made use of no argument that could induce the House to give their vote against the motion. Strong general arguments had been used, but they only could be taken as reasons against war in general, and were in no way applicable to the circumstances of the present war; nor had the gloomy prospects held out as the effects and consequences of war, any conclusive tendency that ought to dictate to gentlemen the vote which they were that night to give. The only question was, whether the assistance to be secured by the treaty with Prussia, was worth purchasing at the price to be paid for it; and then, whether being a necessary and proper aid to ask, it could be obtained in any other way, or at a cheaper rate? Now, he had no hesitation in saying that the terms of the treaty were the best and cheapest that could have been got; and that the whole of the measure was politic, expedient, and absolutely necessary. One argument of his right hon. friend, he thought, was very improperly put. He had said, "what security is there that our other allies may not soon be in the same situation that Prussia is? May we not be called upon next year in a similar way by Spain, by Austria, and by other powers with whom we are allied in this war; and if so, where will be the end of it? Will any person say that the resources even of Great Britain will not be so exhausted, by such extravagant demands, that finally she must yield to her embarrassed circumstances, and know not where to apply for relief?" In this way to give up our cause to despair was more the language of peevishness and passion, than that which he was accustomed to hear from his right hon. friend. As to the allusions that had been made to the conduct of Prussia at other times, allowing, for argument's sake, that it deserved the epithet of disgraceful, and all the others which had been applied to it, still, when such assistance was necessary to the cause in which this country was engaged, who was there that would not give the terms proposed by this treaty? The question then came shortly to this: was the assistance of the king of Prussia necesary, and what was it worth? Upon this alone had gentlemen to make up their minds, and vote accordingly.

The Committee divided on Mr. Fox's Amendment: Yeas, 33; Noes, 134. The Resolution was then agreed to.

Debate in the Lords on the Treaty with Prussia; and the Convention with Holland.] April 30. The order of the day being read, for taking his majesty's Message into consideration,

Lord *Grenville* said, that in calling their lordships attention to so beneficial an object, as he considered the treaty with Prussia to be, he should not have occasion to trouble them at great length, as he was persuaded they would see it in the same light with himself. At all times since we had had to contend with France as a rival nation, and to repel her ambition, her intrigues, and her restless enmity, which had been, for so long a time, under the old government, the source of our wars, it had ever been found our wisest policy to seek for aid on the continent; for though our superiority over France, in point of national vigour, of naval power, of commerce and of wealth was manifest, yet in point of population, and of the means of raising armies, Britain must yield to her rival; and thus it had always been our system to seek on the continent for additional land force. This had been done in two ways —by forming alliances with such powers as had an equal interest with ourselves in repelling her unjust enterprises, or by subsidizing such powers as felt a disposition to lend their troops to be employed by us in the prosecution of objects, which had their approbation, but which they had not the power to prosecute without such subsidy. This had, at all times, been our policy, not merely from necessity, as we could not raise great land armies ourselves, but also from economy, as it was certainly cheaper and more politic to pay foreign troops, than to take our own youth from the plough, and the loom, and thereby not merely put a stop to all domestic industry, but also drain the island of its population, and diminish our natural strength. France, by her present horrid system, had certainly made it more incumbent upon us than ever to exert ourselves in the same way. By destroying all domestic occupations, and demolishing the very frame of society, she had driven all the people into the trade of war. Every man was forced, not merely by the tyranny of the government, but also from the pressure of actual want, to become

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a soldier; and unless we were to do the same; unless we were to send forth a requisition to raise the people in a mass, and put all the men of England into arms, we must supply our inferiority in point of numbers by foreign aid. So far were we, however, from taking these violent steps, that there never was a time when the pressure of war was so little felt by the interior of the country, and when the manufactuers and commerce were less affected by the draughts which had been made from active labour. Compare this with the conduct of the government of France. They were not subsisting by the natural produce of the year. They were not, with the views of a permanent and legitimate government, looking forward to the interests of the future, but with the rash violence of men who had no interest beyond the day, were rooting up the very foundations of all revenue, and spending the actual capital of the country. By this violence they were, to be sure, able to bring into temporary and short-lived action an unheard-of force; but the explosion once made, they could never repeat the effort, for the capital once gone, it could not be recalled. The very fact, however, of their intemperance, demanded from us greater efforts. An extraordinary war demanded extraordinary means. The conduct and sentiments of the British government remained the same as ever. They thought that this was a war upon which depended the very existence not only of this government, but of all society; that we had every thing at stake, and that therefore no efforts, no expense ought to be spared, by which we could accomplish the just and desirable object we had in view. In this view it was, that ministers, finding it to be the opinion of the government of Prussia, after the experience of two campaigns, in which great efforts had been made, that they could not, consistently with the true interests of their own country, incur the expense of a third, unless materially aided therein, thought it advisable to conclude the treaty on the table. If the political expediency of the war was admitted, he thought there could not be two opinions as to the question, whether this was an advantageous treaty or not. He was free to say that he never had had two opinions on the question, whether we should confine the aid to the stipulated succour of the former treaty, or extend it to that which was now secured. Of the 62,400 men which his Prussian majesty had now engaged to furnish, about 32,000 was the contingent stipulated for by former treaties, and for that number, when brought into the field, we were bound, by the former treaty, to pay for bread and forage. Taking, then, into consideration this fact, and going on the supposition that it was right to subsidize at all, the present would be found to be the cheapest means of raising an army of 30,000 men that ever was known. The total expense of the subsidy was about 1,750,000*l.* Of this sum the Dutch were to pay 400,000*l.*, so that our part of the expense was 1,350,000*l.* but for 450,000*l.* of this sum we were bound by the former treaties; so that in reality, the whole of the sum to be incurred for the service of 30,000 men for the rest of this year was about 900,000*l.* and the annual expense, would be no more, provided the Dutch should be prevailed on to continue and to increase their proportion; which he had reason to believe they would be. All the other troops employed by us in the war cost us more than this stipulated sum. Our own troops cost more the Hanoverians cost considerably more, the Hessians cost more, and, indeed, all the troops of all nations, in British pay, cost more than these Prussians; so that, in point of economy, it was a cheap contract. Nor was this all: he would venture to say it would have been impossible to have found 30,000 men elsewhere in Europe to be brought forward on our part in the war. It was not to be considered as a mere subsidy of troops, but here was an army of 62,400 men provided; an army numerous, disciplined, ready and efficient. Nor was this all: it was not merely bringing so many men into the field, but engaging one of the first powers on the continent on our side, who would otherwise have withdrawn himself almost entirely. In a military and political view this was of the greatest consequence. He owned that a subsidy to this extent was new; but though the amount was new, the principle was old and approved. In 1741 we had given a large subsidy to House of Austria, purely to maintain the rights of the empress queen, and in 1756 we had given a subsidy of 600,000*l.* to the house of Brandenburg, to enable him to make efforts against a common enemy for his own interest, as much, or more than for our own. Here we were to give 900,000*l.* indeed, but for what? for

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30,000 men, who were to be employed under the command of a Prussian general on such objects as should be agreed on in military concert for our advantage, and for conquests to be made distinctly for us. Those who thought that the present war might have been avoided, as well as those who thought, since it began, that peace might have been concluded, would of course think this an improvident treaty; but those who agreed with him, on the necessity of the war, in the impracticability of obtaining peace on any grounds of real security, and in the policy of making the war vigorous for the purpose of bringing it to a speedy conclusion, would feel the advantage and wisdom of the present measure. He then moved, "That an humble Address be presented to his majesty to return his majesty the thanks of this House, for his majesty's most gracious Message to this House, and to assure his majesty that this House, deeply impressed with the necessity of supporting his majesty, in taking the most effectual measures for the prosecution of the just and necessary War, in which his majesty is engaged, will readily concur in enabling his majesty to fulfil the engagements of the treaties, which his majesty has been pleased to communicate to this House, and to act in such a manner as the exigency of affairs may require, for the support of the common cause."

The Marquis of *Lansdown* said, he could not help expressing his surprise that ministers should thus call upon the House to come to a vote upon a measure so very new and important, as the treaty on the table, so soon after it had been presented to them, and before any noble lord could possibly have had time to examine so nice a question, and to think of the consequences with which it was fraught. Surely, at a time so critical and so convulsed, and when men in every part of Europe were busied in examining the principles of government, it was not wise to treat parliament with so little ceremony, to bring their independence and integrity into question, and to take off from their decisions, the influence which they could only obtain from the gravity and the maturity of their deliberations. Surely they ought to uphold the respect due to parliament, not to undermine it; and if they thought that any strength was to be obtained by the concurrence of parliament, they should be cautious to give to that concurrence at least the air of deliberation. The noble lord said, that this was a treaty founded upon precedent. In his mind, it was totally new, and gave a perfectly new aspect to the war. It was an entire change of the fabric. We sat out with Prussia and Austria, as leaders in the war; nay, of these two, Prussia was the first and most forward leader. It was a matter of history that the Prussian court was not only the most eager, but was in truth the author of the war, and the late unfortunate queen of France always dreaded the eagerness of Prussia, as likely to involve and affect her brother the emperor. Prussia not only led the van, and drew in Austria, but the chief command was in Prussia, and the whole of the past campaign was under Prussian auspices. Of this country the king of Prussia did not even think. He did not imagine even that we, out of the line of the war, out of its scope and tendency, far removed not only from all danger, but from all interest, could be so absurd and stupid as to take a part; and no attempt was thought of on his part to draw us within the vortex. Nay, having views very different, he heard with surprise and concern, that we had committed the rashness of involving ourselves in the war: now this very principal of the principals not only withdraws, but you, the last and the least concerned, become the head, and proudly assume to yourselves the grand task of bearing the whole burden. Surely a change so important demands a pause. Surely we ought to reflect before we engage to pay a subsidy unprecedented in all the mad wars in which we ever were engaged? The subsidy of 1756 had been mentioned. It was a curious precedent on which to justify the measure. From the day on which it was made, to the present, there had never been two opinions as to the folly, extravagance, and absurdity of that act. He remembered it well: on the very first day that he had taken his seat in parliament, he had given his opinion upon it. The noble lord's father had equally objected to it; and the minister himself who gave the subsidy, had always owned that it was an unadvised and impolitic measure, and that he had been drawn in on the occasion.—The next argument for this treaty was, that we not only got a great army, but secured a great leading power of Europe by it. In this respect he differed from the noble secretary of state. In his mind, this was a sensible objection to the treaty. To have

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engaged the same number of men from inferior powers, would have been preferable, since they could have no interests that would interfere with ours, or at least no capacity to thwart our views; but here we confounded two characters that ought ever to be distinct, that of a principal and a servant. We had to deal with a mighty potentate, who had great and sacred duties to fulfil towards his own dominions, which our views might cross, and yet we thought of binding him by pack-thread to the performance of a light pecuniary engagement against the permanent, hereditary, solemn duties of his sovereignty. There never were powers that had interests so different in any war as the Prussians and Austrians in the present. As to ourselves, he knew of no interest upon God's earth that we had in view. But could the king of Prussia, ought the king of Prussia, to divest himself of his natural duties? Could it be expected that he would be bound to fulfil engagements so trivial on the comparison? Might he not find employment for all his means elsewhere? Was not Poland likely to find him some use for his troops, and to exercise him even at his own door? In the north, also, it was probable that he might find cause for alarm, if not for action; and might not circumstances arise in which he would be justified in the eyes of all men for breaking this treaty? Such things had been. In the year 1744, after having paid a long peace subsidy to Hesse Cassel, he turned the stipulated force into the scale against us, because the interests of his native dominions demanded it. Suppose now that Austria were to be successful in the present war of partition, that success the king of Prussia must regard as ominous to himself? Was it acting like statesmen, to imagine that he would act upon this treaty to his ruin? It was absurd to suppose that we could dictate to, and manage the king of Prussia, as we would the margrave of Baden and his paltry 800 men. He would do as his uncle did. He would laugh at us. He would call us a trafficking, commercial nation, who thought by a quantity of guineas to engage him to overlook the true interests of his people, and he would spurn the bribe. In the renewal then, of this bloody lease, it surely became us to look back to the last campaigns, and see where the fatal errors lay by which our efforts had been ineffectual. One obvious cause of the failures was the difference that subsisted between the Austrians and Prussians. They hated each other. Did they not now hate each other? Did this treaty reconcile them? Austria was not even mentioned in it. The king of Prussia in his memorable declaration says, "The war was not a war with a civilized nation, and well disciplined armies, but a war with a delirious and diminishing swarm of men, with a highly populous nation, provided with every resource for war to back them—a set of men who did not fight merely for victory, but who fought by fire, sword, and the poison of their pernicious doctrines, to subvert the whole social edifice of Germany. To oppose this almost unconquerable enemy, the king, on his part, brought into the field 70,000 men, and those his choicest troops, with these has his majesty combated, even until this third campaign, under every every imaginable obstacle, far from the Prussian dominions, amidst already exhausted lands, excess of dearness of the necessaries of life, and almost insupportable expense." Thus, from this declaration, it appeared, that there was a deficiency of troops. Did we get more now? But 62,400, certainly not of the choicest troops. In three years in any war an army was worn out. Two years of the present war must be equal to three of any other war But then we were to have a smaller number of worse troops, and those troops not now engaged as principals, animated by pride, ambition and glory, but as hirelings, where there was nothing but a paltry feeling of so much blood for so much money, and in which the heart was warmed by no spirit, where there was a cold cause, that of mere money. And what money! For let it be considered, that we were to send our English guineas to Berlin in the lump, there to be converted into what sort of money he shuddered to think for the poor soldier? Perhaps to be converted into forged assignats, perhaps into base coin, and we were to have a poor starved army let loose upon our hands, to quarter where they could, and who must be fed to be made useful. What greater prospects, then, did this treaty open? Were the allies more firmly united? He could take upon himself to say, that the Austrians and Prussians were at a greater distance than ever, not merely the armies, but the courts. The empress of Russia too, with her promised inundation of Cossacks, where was she? In plain English, she was off, she had stolen a march. Men were not ignonorant of the diabolical transactions that

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were passing in Europe. Though from the new species of inquisition that was set up in this country, the newspapers durst not to publish what the editors knew, yet did not their lordships all know that the duke of Sudermania had discovered the shocking conspiracy by which the government of Sweden was designed, by means the most infamous, the horrors of assassination, to be overturned? Could their hopes of success in this campaign be strengthened by these circumstances? Did the disposition of the neutral powers open to us any fairer prospect? It could no longer be disguised that they were now arming, and that they held a very threatening language. By whom they were supported it was also easy to divine.—The intelligence from America was certainly not less ominous than he had predicted it to be. Nobody would say that the prospect from that quarter was very flattering; so that in this dangerous chieftainship, which we had assumed, as the Don Quixote in this crusade against the French windmill, we certainly had no mighty improvement of our views by this treaty; for in addition to all the circumstances he had mentioned, we had a greater want than all—the want of a just cause, and of a fair and intelligible object. Even the best writers on the side of the war, from Mallet du Pan downwards, had owned that what, above all, had tended to prevent our success was that a substantial object had not been held out to mankind, and particularly to the people of France. Now, if, even before this treaty, this charge could be brought against the allies, how much more truly now? For this treaty confounded all rational hopes; it declares that Prussia is to fight to make conquests—for whom? for the maritime powers? He ridiculed the arrogance of two nations assuming to themselves the title of "the maritime powers," and asked how the pride of Spain would brook the disdain thereby offered to her, whose dispositions at this time were equivocal, and whose temper at least was irritable. As to Holland, he should only say, that Holland was once a proud country: how it had been reduced by our meddling, officious policy, he need not say. It was doubtful even whether she was able to pay the small quota of the subsidy which had been imposed upon her. Prussia at least was unwilling to trust to her, and had taken care to have our security. Were we to pay the whole, and take our chance of the Dutch for the repayment? What confidence had we in the present state of our allies? Prussia, by-the-by, was no longer an ally, but a servant; but such a servant as you could not expect to command. You are to give him 600,000*l.* before he moves; for by the treaty he is to have 300,000*l.* as a bonus, and then he is to have an advance of two months; and this, no doubt, he will take care to receive; but when he has received it, what security have you that he will move at all? In what court will you carry on your suit against such a debtor? He had the highest respect for the private character of the king of Prussia, but it was well known, that sovereigns held their consciences absolved from the ties of common men. The noble marquis concluded with an admonition to the House aganist the hasty praise which was demanded of a measure that in his mind was pregnant with the most fatal consequences.

The Earl of *Mansfield* expressed his complete approbation of the measure. It was a bold one; but it was, therefore, the better calculated to answer its purpose. He could not say, what had been the opinion of the late earl of Chatham respecting the subsidy granted to the king of Prussia in 1756, but he could not believe that it was a thing sought for by that monarch. He had the honour of being employed on the continent at that time, and he well recollected the general belief was, that the king of Prussia did not want a subsidy, but that he cried to Britain, "Give me men; give me a fleet in the Baltic," and so far from desiring the subsidy, the measure had originated in England, and was rather forced upon him. The noble marquis's reasoning about the want of an ascertained and just object in the war, which it had been said had kept the honest part of the French from joining us, was taken from a pamphlet published by Mallet du Pan. This had often been urged as a great objection; but he thought it a very silly one, as the object of the war was both just and clearly defined. It was just, as it aimed at the destruction of a system which threatened to overturn all civil society, and to promote rapine and plunder; it was defined, as it was declared to be for the purpose of annihilating that system, and restoring monarchy. As a means of promoting the success of that object, he thought the present treaty a great and wise measure: he thought it

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much better to connect ourselves with a great power, and thereby ensure the whole of its efforts, than to connect ourselves with little powers, whose whole efforts must be very inconsiderable. The number of troops procured by this treaty, might indeed be represented as small; but he begged their lordships to recollect that 30,000 Russians had occasioned the peace of Aix-la-Chapelle; and there was no knowing what good effects might result from the co-operation of the Prussians, now ensured by this treaty. Our conquests in the West-Indies were highly valuable; and if this was an ordinary war brought on by aggression, he allowed, that the possession of our acquisitions in the West-Indies might be a sufficient indemnity; but in the present contest, he thought them a mere trifle, and that if he consented to make peace with the present rulers of France, because they made such a cession, he would deserve to have his head severed from his body; and that the minister who would make such a peace, would purchase infamy, not honour—would bring us into danger rather than security: for if the present government of France were allowed to exist, there could be no safety for any other government in Europe. The system which now ravaged France; was a system of insurrection, of rapine, and disorder; and it was not vain boasting, but sound policy in those who possessed power under it, to desire the destruction of all established governments, as they know that every well-regulated government must threaten their overthrow. If suffered to exist, the rulers of France would endeavour to contaminate every surrounding nation with their principles, and by that means bring a pestilence upon them greater than any which had yet afflicted mankind. The old government, even when animated by the most extravagant ambition, had always paid some regard to the happiness of the people; but the present French system made the wretchedness of the people its prime object. For the destruction of that system, and the men who supported it, he considered this war to be carried on, and the present treaty to be entered into; he should therefore give it his warmest support.

The Earl of *Lauderdale* said, that the question had become infinitely more interesting by the language of the noble earl; for, according to him, the object of the war was completely changed. He asked their lordships, whether until now they had heard it openly avowed that we were fighting for a certain kind of internal government in France? In the noble secretary's correspondence with M. Chauvelin; in the king's speech at the commencement of hostilities; in our minister's declaration at the Hague; in all the state papers which we had ever published, it had been studiously declared, that it was not our wish to interfere with the internal government of France. Now, however, that which, a twelvemonth ago, no minister would have dared to avow, was openly avowed, and was not denied by ministers. But even upon this new system of carrying on the war, what security had we that the king of Prussia would fulfil his engagements? On the 14th of July last, he entered into a treaty with us to make common cause on the war, and to carry it on as long as we should; but now he had broken his contract, and that treaty had become waste paper. What security had we that he would not break his present contract? The spirit of liberty had again animated the people of Poland, and he wished them every success against that perfidious and rapacious prince, the king of Prussia, whose conduct towards them merited the most severe reprobation. If, then, he should find employment in Poland, this subsidiary treaty would be no better observed than that of last year, and he would leave religion, humanity, and civil society, to shift for themselves: he would leave Robespierre to triumph, rather than endanger one atom of his plunder in that country. The Dutch, in this treaty, had been a little more cautious than Britain. They had entered into it only for one year. They chose to make the experiment, and to leave it to their own discretion whether it should be renewed. But the British government, with a forward profusion, had despised such precaution; and whether the experiment should turn out to be good or bad they had bound themselves by a separate article to continue it during the whole war. The subsidy, however, that was to be paid to Prussia, great as it was, was not all this country would have to pay. His Prussian majesty had, indeed, been well apprized of our Quixotic disposition, and had been the earliest in his application. But Austria might soon be expected to put in her claims. Previous to the com-

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mencement of the war, her finances were in the lowest state, occasioned both by disturbances in her own dominions, and an expensive war with the Turks, while the coffers of his Prussian majesty were well known to be largely filled. If Austria, therefore, came forward, and said, "I have borne the brunt of the war; I have fought most earnestly; I have freely expended my blood and money; I have done the greatest service, and I am the most in want of money; you have paid Prussia largely, though she has been of much less, importance; I therefore desire to be paid also."—If Austria should come forward in such a manner, could her pretensions to a subsidy be denied? Was she not the chief support of the confederacy? And if she threatened to withdraw, unless pecuniary aid was given her, must it not either be granted, or the war be completely abandoned? Would not the extent of the sum, and the facility with which it had been given to the king of Prussia, encourage the emperor to demand a subsidy also? But what was more serious, would not his necessities force him to it? Austria was so reduced, that she was obliged to have recourse to all the means of raising money employed by the Jacobins, and so much reprobated in this country—pillaging the churches, melting plate, and making what she called loans in every country of Europe. Even here Austria was trying a loan; and thus the whole war was to be maintained by British capital.—The object of the war, as declared that night, he considered to be, if not completely unattainable, at least highly arduous; for it amounted to nothing less than the conquest of France. And what better prospect had we this year than we had last? The present prospect, in fact, held out far less hopes of success. At the commencement of the last campaign, the strength of Britain, Holland, Spain, and the greater part of Germany was untried, and certainly unbroken. A powerful body of royalists were making a most formidable head in La Vendée, of whose success great expectations were formed; and France itself was then torn by factions. Parties were daily accusing those in power, and bringing them to the scaffold, while they themselves succeeded to that power. But what was the situation at the opening of this campaign? The strength of all the allied powers was considerably wasted, and some of the principals were incapable of longer maintaining the contest. The insurgents in La Vendée were annihilated; the ruling party in Paris appeared to possess the confidence of the people, and certainly possessed vigour and authority; and instead of any new faction supplanting that which was in power, we find the government strong enough to bring those to the scaffold who oppose them. Such was the hopelessness of the prospect compared with the opening of the last campaign; and it would seem that the cause became desperate, in proportion as the allies deserted it. We were to go greater lengths; and it was not the least dejecting circumstance, that we were this day told from one of his majesty's ministers, that 30,000 men were not to be procured for money in any other part of Europe than in Prussia. His lordship computed the other German troops in the pay of Great Britain, besides those of the king of Prussia, to be about 40,000, and taking them to be paid at the same rate, the whole sum would amount to about three millions per annum. To pay so largely for restoring Louis 17th and the old French government, was very extraordinary, when it was an unquestionable fact, that all writers and statesmen had always complained that this country could not preserve peace on account of its intrigues.—But although we had been in the most perfect peace and the greatest prosperity three years, while the new government had existed, yet now we were told, what had before been asserted by a noble lord (Auckland) in his Memorial presented to the states-general the 25th of January 1793, that we were making war to destroy certain miscreants, assuming the name of philosophers, who had presumed to think themselves capable of establishing a new system of civil society. Such was the language now held. The new government, which had suffered us to be in peace and prosperity, was to be destroyed; and the old government, which had continually involved us in broils and expense, to be restored. The noble secretary had said, that France was not spending her ordinary revenue in carrying on the war, but was exhausting her capital; but was not Great Britain doing the same, though perhaps in a smaller degree? Could it be pretended that the enormous expenses of the present war could be provided for out of our ordinary revenues? It was also said, that Frenchmen were dragged against their will into the armies. This he thought highly improbable, when

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he looked at the courage and enthusiasm with which they fought. As to the distress in France occasioned by the numerous levies, he believed it to be much less than it was represented to be; while in this country he knew the distress produced by the war to be much greater than was commonly admitted. Our manufactures in particular had been greatly injured. To his knowledge, a justice of the peace, in a manufacturing town, had attested 23,000 men since the war began, and another justice, in another town, had attested nearly 12,000. Could these instances be parralleled in any preceding war? These were proofs that our wealth and prosperity were dreadfully suffering by the present contest. His lordship concluded by observing, that it would be much better to make peace with France than subsidize the king of Prussia; and that if it was true, as he believed it was, that the people of Britain were strongly attached to their constitution and government, there could be no danger to this country from the establishment of the new government of France, which instead of holding out any thing seductive, displayed nothing but accumulated horrors.

Lord *Hawkesbury* said, the noble earl had made a mistake in asserting that the object of the war was changed. Until the French wantonly attacked us we did not interfere. Security was our great aim, though indemnity also we were entitled to. This security we could not obtain under the present state of France, where one man, unknown in the world four years ago, carried on the most unexampled tyranny in the name of two committees; where no law, no safety, was to be found; from such a country we could have no security. But what were our hopes of success in putting an end to this cruel anarchy? Living as they were on their capital, not like England in degree, but altogether and at once wasting the whole, he foresaw that it must end: he could not predict the time, but let it come when it might, it would be sudden. Whenever this should happen, it certainly was not for us to dictate the sort of government that it would be wise for us to establish in France; but, after such a convulsion, it was obvious that there must be erected in France a very strong executive government. This was a war of self-preservation; and upon that principle it was that he defended the present treaty.

Lord *Auckland* said, that the noble earl had alluded to an expression in a Memorial presented by him to the States general. He would beg leave to read the whole of the passage. His lordship then read a passage from the Memorial, by which it appeared, that the term "miscreants" was applied to those speculatists of France calling themselves philosophers who had presumed to think themselves capable of establishing a new system of civil society.* By this remark, he meant Condorcet, Brissot, Petion, Sieyes, and others of that description. These revolutionists, these wild enthusiasts, devoid of duty to the Supreme Being, lost to every principle of religion and morality, and who endeavoured to spread their destructive doctrines throughout every kingdom in Europe, had been succeeded by the still more desperate and abandoned ruffians who domineered in France at present. Such conduct ought to be vigorously opposed by every well-regulated society. To complete their infamy, they had without provocation, invaded Holland, our natural ally, and declared war against England. To defend our rights, and to humble this execrable convention, with Robespierre, at their head, was the avowed purport of the treaty. In point of economy, the bargain was a good one as it only amounted to about 3*l.* per man per month, which was less than men could be procured for in any other part of Europe. Several noble lords had doubted whether we could repose confidence in the king of Prussia. That prince had never failed in the performance of any treaties he had entered into with this country or with Holland, and, therefore, there was no ground to suspect his good faith. He said he had corresponded daily with the ministers of Prussia in times of difficulty, and thought them superior in point of ability and integrity, to all men upon earth. He acknowledged himself to be one of those who thought that no peace could be made with France while the present government existed in that country; but that it was with respect to them, a war *usque ad internecionem*.

The Duke of *Portland* said, that after the very able manner in which all the objections to the treaty had been answered, he rose only to say, that it was a measure in which, if he had had the honour of being one of his majesty's ministers, he

* See the Memorial in Vol. 30 p. 342.

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should have been proud to avow his share. It was not to be estimated by the quantum of subsidy to be paid, but by its importance, to effect the annihilation of that system, which, while it existed, left no room to hope for security. He approved of the treaties both in a political and pecuniary point of view, and desired to be considered as much a party to this particular measure as any man concerned in it.

After some farther conversation, the House divided: Contents 75; Proxies, 24—99. Not-contents 6.

Debate in the Lords on the Abolition of the Slave Trade.] May 2. On the order of the day for the second reading of the Bill "for abolishing the Trade carried on for supplying 'Foreign Territories with Slaves,'"

Lord *Abingdon* said:—I rise to trouble your lordships with a few observations in opposition to the principles of this bill and having already upon a former occasion incontrovertibly proved, that this proposition for the abolition of the slave trade, is a French proposition: that it is grounded in and founded upon French principles; that it means neither more nor less, than Liberty and Equality: that it has Tom Paine's Rights of Man for its chief and best support; that its parliamentary origin in this country, was in consequence of correspondences held by individual members of parliament here with individuals of the National Convention of France, and by the intercourse of existing clubs in both countries: that by being carried into effect in France (whilst we are *pari passu* following the same system and example), it has had in the colonies of France all the direful effects necessarily flowing from, such principles, namely, those of insubordination, anarchy, confusion, murder, havock, devastation, and ruin—I say, my lords, having laid these plain truths before your lordships, it is not my design here to press this ground of objection any farther; and yet, before I leave this topic of argument, may I be permitted to appeal to the House—may I be allowed to address myself to the right reverend bench of bishops, and in particular to the right reverend prelate whose mind has been so readily made up upon this occasion, and to ask him, whether he has ever seriously applied these considerations to this subject, and has viewed it in the light in which it is here placed? And if he has, will he say, that he does not find in it that spirit of novelty and innovation which are the characteristics of the present times? Will he say, that he does not see a stronger affinity between this proposition, and those other propositions of reform which the new philosophy of the age is now so loudly calling out for? Does he believe from his heart that the freedom of Negroes in Africa and the West-Indies is the real motive of this proposition, and that there are not other reasons, less remote and much nigher home, upon which it has its foundation? In a word cannot the right reverend prelate, with his microscopic eye, perceive in this proposition seeds of other abolitions, different and distinct from that which it professes, and which may not sooner or later grow up to the downfall even of that very bench on which he and his brethren now sit? The next ground of objection to the principle of this bill is of a more immediate and direct nature; it is in open violation of one of the three leading and fundamental principles of the constitution of this country, namely, that of the right of private property; a right so sacred, that as a late venerable and learned law lord of this House once affirmed of the representation of this country, that there was not a blade of grass in it that was not represented: so, with the same emphatic truth, may it be here said that there is not a blade of grass in or out of this country appertaining to it that is not the immediate subject of the inviolability of this right. And yet, what is the proposition? Under this constitutional right of this country, several millions of private property vested in the West-Indies alone, not to speak of the immense profit of the trade itself, sanctioned in its use and enjoyment for a period of 230 years, and thus supported by the prescriptive right of the common law of the land and guaranteed by divers and repeated acts of parliament is, by a few silly words in a silly act of parliament, not only to be violated, but to be put to the risk and hazard of total annihilation and destruction. And for what? Is it to obtain the votes and interest of any description of men in this country, in order to secure the seats of individual members in another house of parliament? Is this possible? But if it be, what do the owners of this property say? What does the constitution say? What must the nation at large even say? All sufferers

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in degree, must they not say, as the frogs did to the school-boys in the fable, who were pelting them with stones, "this is sport to you my boys, but remember it is death to us." But be the cause what it may, is it an act of justice? Who will say so? Why, then, it is an act of injustice. And shall this House, the dernier resort of justice, sanctify an act of injustice? But if it did, what is to be the compensation? What the *quid pro quo?* Is it restitution or reparation for the damage to be sustained? No such thing. What, then? Is it any thing solid or substantial? Not that either: but it is a non-entity; it is that which the metaphysicians call an *ens rationis*, a mere abstract term in moral philosophy called humanity, and which, *vi termini*, is to balance the whole of this great and enormous account. I shall now state one other objection not to the principle of the bill, but to the bill itself. Of all the indecent bills that ever were brought up to this House this appears to me to be the most indecent; for what is the case? The resolution of your lordships upon this business, I think, is in these words: "Ordered, That this House do forthwith proceed to inquire into the present state of the trade to Africa and particularly the trade in slaves; and also into the nature, extent, and importance of the sugar, coffee and cotton trade, and into the general state and condition of the West-India islands and the means of improving the same." And now, what is this bill? In total disregard of this resolution, pending the inquiry that has been instituted, before that inquiry is half finished, and of course before all your lordships minds are made up upon this question, here comes a bill anticipating our deliberations, and calling upon us to do that which at best our judgments are not ripe to perform. What motive the other House of Parliament might have for this procedure, it is unnecessary for me to inquire; but this I know that they have no right to dictate to us. Let them mind their own business and we will take care of ours; and in the rejection of this bill, this will not be the first time, even within my memory, that this country and this constitution have been saved by this House, from the rash and intemperate measures of the other.

Lord *Grenville* said, he had long since made up his mind on the subject, from the inquiry that had been instituted in another place, when an examination into facts had been gone into in the fullest manner. He wished to see the slave trade abolished, not on motives of humanity and propriety solely, but as a positive act of duty. That House had engaged in an inquiry not yet finished. The bill sent up by the Commons proposed an abolition of the trade in a partial though a material branch. However he might wish to see the whole of the trade abolished, he could not bring himself to press the House to pass such a bill pending the progress of the inquiry. He earnestly wished the House would find means to hasten the inquiry, that they might proceed to take the necessary steps towards an abolition of the trade *in toto*. In the mean time he would move, "That the said bill be read a second time on this day three months."

The Bishop of *Rochester*, lest he should be accused of inconsistency, thought it his duty to say something before he gave his vote in the way he meant to do. His reason for not particularly objecting to the bill, and yet for agreeing with the present motion, was, that it only affected the foreign carrying trade, and therefore, from the difference between the state of the West-India islands now and before the war, it would prove nugatory. The island of St. Domingo, particularly, was now in the hands of the Spaniards and British only; so that if it was intended to evade this bill, it would only be necessary to land the slaves on the parts of the islands in our own hands, and thus the bill would have no effect.

The Duke of *Clarence* supported the motion, and stated generally his objections to the abolition of the slave trade.

The Earl of *Lauderdale* opposed the motion. He contended that the secretary of state and the reverend prelate were converts from their former opinions, without stating any ground for this sudden change. He trusted, as on this occasion, so they would on the general question, become converts, and see the impropriety of abolishing a trade in which the property of so many was engaged to such an extent, legally, and with the sanction of parliament for so long a period.

The House divided: Contents, 45; Not-contents, 4.

The King's Message respecting Seditious Practices.] May 12. Mr. Secretary Dundas presented the following Message from his Majesty:

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"GEORGE *R.*

"His majesty, having received information, that the seditious practices which have been for some time carried on by certain societies in London, in correspondence with societies in different parts of the country, have lately been pursued with increased activity and boldness, and have been avowedly directed to the object of assembling a pretended general convention of the people, in contempt and defiance of the authority of parliament, and on principles subversive of the existing laws and constitution, and directly tending to the introduction of that system of anarchy and confusion which has fatally prevailed in France, has given directions for seizing the books and papers of the said societies in London which have been seized accordingly; and these books and papers appearing to contain matter of the greatest importance to the public interest, his majesty has given orders for laying them before the House of Commons; and his majesty recommends it to the House to consider the same, and to take such measures thereupon as may appear to be necessary for effectually guarding against the further prosecution of these dangerous designs, and for preserving to his majesty's subjects the enjoyment of the blessings derived to them by the constitution happily established in these kingdoms.

"G. R."

Ordered to be taken into consideration to-morrow.

May 13. Mr. Secretary Dundas presented, by his majesty's command, a Book and Papers, referred to in his majesty's Message, sealed up. The order of the day being then read, for taking the said Message into consideration,

Mr. *Pitt* said, that as the House must already be in full possession of the nature of the facts to which their attention was called by his majesty's message, it was not necessary for him to detain them with many words upon it. He should, therefore, content himself with moving, with as much precision as possible, the measures he thought it expedient for the House to adopt. The first was one in which all would concur as of course; he meant an address of thanks to his majesty for his gracious message, and an expression of their resolution to take the matter referred to in it, into their serious consideration. If this motion was agreed to, he would then move to refer the papers to the consideration of a committee: and on that move, that such committee should be a committee of secrecy. The papers were sealed up, and in that state ordered to be laid by his majesty before the House; for as they related to transactions of an extraordinary, formidable, and criminal nature, and contained matter that implicated a great number of persons, it was fitting that the examination of them should be as secret as possible, in order that the measures which the House might be in future disposed to adopt should not be evaded by the matter contained in the papers transpiring prematurely. He would therefore move, "That an humble address be presented to his majesty, to return his majesty the thanks of this House for his most gracious Message; and to assure his majesty, that this House will immediately take into their serious consideration the subject recommended to them in his majesty's Message, and will adopt such steps as may appear to them to be necessary on a matter of such high importance to the safety of his majesty's dominions."

Mr. *Fox* said, he did not rise to oppose the motion, as he conceived it to be in some sort a thing of course, but merely to say a few words preliminary to his acceding to it; and he was the less inclined to oppose it, as he conceived that his assent in no way precluded him from exercising his right to discuss the various subjects referred to in the message when they came before the House; and that the questions, whether the object before them was properly fit for their investigation? What the means were by which the papers were procured? whether the seizure of them was constitutional and legal? and whether the mode of collecting the information respecting them were justifiable? were still as open to the investigation and discussion of every member, as if they refused their assent *in limine* to the address. But what he chiefly wished to remark was, that if the papers were sealed up, and the contents therefore unknown to the House, he thought it would be rashness to refer them to a secret committee, unless precedents were first adduced upon which to ground such a measure; for of all modes of proceeding, the steps which had been adopted in the present case seemed to him to be those which was most necessary to watch over with vigilance.

The motion was agreed to *nem. con.* Mr. Pitt next moved, that the Book and Papers be referred to a committee, and

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that the said committee be a committee of Secrecy.

Mr. *Fox* said, he hoped that the right hon. gentleman would either support the motion by some precedent, or demonstrate that there existed such a distinction between this and former cases, as should induce the House to have recourse to new modes of proceeding. With regard to the argument in support of his proposed mode of inquiry, namely, the fear of discovery defeating the objects of it, he would only say, that those objects not being sufficiently defined or expressed, could form no ground of argument. Was the object prosecution? Prosecution was already in the hands of the crown, who seemed desirous of calling upon the House to take their part in it. He wished to know what the object of the crown was. He could not suppose it was impeachment, for though he would always maintain the inquisitorial right of that House, he thought that impeachment could not properly come from the crown. He could not, therefore see why the committee should be a secret committee.

Mr. *Pitt* said, he had no difficulty in shewing that the mode he proposed was both founded in wisdom and expediency, and supported by precedent. The practice had invariably been, when papers were laid before the House, sealed up, to refer them to a secret committee. In support of this assertion, he could cite a variety of precedents; one, in particular, in the year 1722, namely Layer's plot, in which the papers were sent sealed to the House. and were referred to a secret committee. As to the expediency of the mode, he confessed that he was much surprised on what principle of reasoning the right hon. gentleman, having agreed to its being referred to a committee, should object to that being a committee of secrecy, when the obvious nature of the case showed that the most secret investigation was necessary.

The motion was agreed to. Mr. Pitt next moved, that the number of the said committee be twenty-one.

Mr. *Fox* said, he had no objection to the number; twenty-one was, perhaps, as proper as any other; but there were some things which he wished to know respecting this transaction. He was particularly desirous to be informed, what had been the mode of obtaining those papers? For there was an ambiguity in the words of the message, which left him at a loss to determine respecting that particular; and he therefore wished to know on which of the grounds stated in it the seizure of the papers had been made? Was it only on the ground of the seditious practices, or on an allegation that the persons implicated had entered so far on the execution of the plan of a general convention as to be guilty of an overt act of treason? As a member of the House of Commons, and a friend to the constitution, he respected the opinions of parliament; and it was a resolution standing on the Journals of that House, that seizing the papers of a person accused of a libel was illegal, founded on the principle, that such an extreme step should not be taken unless there was an actual allegation for treason or felony. He therefore insisted, that by the resolutions of that House he was warranted in saying, that seizing papers for seditious practices, or for any thing short of treason, was illegal. If, then, the present seizure was made on an allegation for seditious practices alone, it was, according to the declared sense of the House, illegal: if otherwise, it might be legal. He therefore wished that the House was informed which it was. The case he alluded to occurred in April 1766. It was discussed and determined on the generality of the warrant. He therefore pressed ministers to give an answer to the question he had put, as he was averse to countenance any thing that might militate against the resolutions of that House.

Mr. Secretary *Dundas* said, that what the substantial grounds of seizure were, the House would judge on inquiry; but he would at present solve the right hon. gentleman's doubts, by telling him, that the warrants were grounded on allegations for treasonable practices.

The motion was agreed to. After which, it was resolved, that the said committee be chosen by way of balloting.

May 15. The House proceeded to ballot for the committee of secrecy, and the majority fell upon the following persons, viz. Mr. Pitt, Mr. Dundas, Mr. Welbore Ellis, Mr. Windham, the Attorney-general, the Solicitor-general, the Lord Advocate of Scotland, Mr. Thomas Grenville, Mr. Steele, the Master of the Rolls, Mr. Jenkinson, sir H. Hoghton, the earl of Upper Ossory, Mr. Powys, the earl of Mornington, lord Mulgrave, Mr. Hawkins Browne, Mr. Anstruther,

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Mr. Stanley, Mr. Charles Townshend, and Mr. Burke.

First Report from the Committee of Secrecy of the House of Commons respecting Seditious Practices.] May 16. Mr. Pitt reported from the Committee of Secrecy, That the Committee had examined the masters to them referred, and had directed him to make a report to the House; and he read the Report in his place; and afterwards delivered it in at the clerk's table: where the same was read; and is as followeth:

The COMMITTEE to whom the several Papers referred to in his majesty's Message of the 12th of May, 1794, and which were presented (sealed up) to the House, by Mr. Secretary Dundas, upon the 12th and 13th days of the said month, by his majesty's command, were referred; and who were directed to examine the matters thereof, and report the same, as they should appear to them, to the House; have proceeded, in obedience to the orders of the House, to the consideration of the matters referred to them.

They find, on the first inspection, that the books and papers which they are directed to examine, contain a full and authentic account of certain proceedings of two societies, calling themselves the society for Constitutional Information, and the London Corresponding Society, who appear to be closely connected with other societies in many parts of Great Britain, and in Ireland; and the committee also observe, from recent circumstances, which have already come under their observation, that these proceedings appear to become every day more and more likely to affect the internal peace and security of these kingdoms, and to require, in the most urgent manner, the immediate and vigilant attention of parliament.

The committee have, therefore, thought it their indispensable duty, in the first instance, to submit to the House the general view which they have been enabled to form of these transactions, reserving a more particular statement for a subsequent report.

In the book containing the proceedings of the society for constitutional information, which was found in the custody of the person acting as secretary to the society, there are regular entries of what passed on each day of meeting, from the end of the year 1791 to the 9th of May in the present year.

From these it appears, that during almost the whole of that period, and with hardly any considerable interval, except during part of the summer in 1792 and 1793, this society has, by a series of resolutions, publications, and correspondence, been uniformly and systematically pursuing a settled design, which appears to your committee to tend to the subversion of the established constitution, and which has of late been more openly avowed, and attempted to be carried into full execution.

The principles on which this design is founded are strongly and unequivocally proved, from resolutions formed as early as the 18th of May 1792, in which the society applaud the intention of publishing a cheap edition of the first and second parts of the Rights of Man; and resolve, "That a copy of Mr. Paine's Letter [informing them of this intention] together with these resolutions, be transmitted to all the associated societies in town and country; and that this society do congratulate them on the firm as well as orderly spirit and tranquil perseverance manifested in all their proceedings, and exhort them to a steady continuance therein:" And also, "That 3,000 copies of the Letter and Resolution should be printed for the use of the society." This single circumstance would, in the judgment of your committee, leave little doubt of the real nature of the designs entertained by this society: their conduct in other respects has corresponded with it.

On the 11th of May in the same year they vote an address, in terms of approbation and applause, to the society of Jacobins at Paris.

They adopt a similar measure, under circumstances still more striking, by sending, on the 9th of November following, an address to the National Convention of France, full of panegyric on the French Revolution, and expressing the strongest wishes for its progress and success. This address was actually presented at the bar of the Convention by two persons, of the name of Barlow and Frost; and the answer of the president was read at the meeting of the society on the 7th of December 1792. On the 14th of the same month a letter is received from persons calling themselves the Friends of Liberty and Equality, at Laon, capital of the department de l'Aisne; and referred by the society to their committee of Correspondence. On the 21st of the same month, certain members are expressly appointed a committee for foreign Correspondence.

The proceedings of this committee are ordered to be entered in a separate book; and a letter received that day from the Friends of Liberty and Equality at Macon is referred to that committee.

On the 25th of January, and on the 1st of February 1793 (at the eve of the commencement of the war, and after the repeated representations which had been made on the part of the British government, complaining of the conduct of France), the citizens Barrere and Roland (then leading members of the French Convention) are admitted associated honorary members of the society; and the speeches of Barrere and St. André (also an honorary member of the society) as given in the Moniteur of the 4th, 6th, and 7th of

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January, are directed to be inserted in the books of the society.

Subsequent to the declaration of war, which interrupted this system of direct correspondence and concert with France, and down to the present time, the society have continued. on various occasions, to manifest their attachment to the cause of the French Revolution; and have affected to follow, in their proceedings and in their language, the forms and even the phrases which are adopted in that country.

The next leading circumstance which has engaged the attention of your committee, is the unremitting activity and diligence with which this society have attempted to disseminate their principles, both by publications and resolutions industriously and extensively circulated, and by endeavouring to establish a general correspondence and concert among the other seditious societies in the metropolis, and in different parts of England and Scotland, as well as in Ireland. With many of these, this society appears itself to have carried on an immediate correspondence, particularly with those at Sheffield, Norwich, and Manchester, who have, on all occasions, taken the most forward and active part in these transactions. In their correspondence with Norwich in particular, as early as the 12th of April 1793, there is a passage which so clearly marks the real object which (whatever may have been their pretexts) they appear uniformly to have had in view, that your committee think it right to insert it.

"Extract of a Letter from the Secretary to the Society for Constitutional Information, to the Secretary to the United Political Societies at Norwich; dated 16th April, 1793.

"Where then are we to look for the remedy? To that parliament of which we complain? To the executive power, which is implicitly obeyed, if not anticipated in that parliament? Or to ourselves, represented in some meeting of delegates for the especial purpose of reform, which we suppose you understand by the term Convention.—It is the end of each of these propositions that we ought to look to; and the success in a good cause must be the effect of perseverance and the rising reason of the time, let us determine with coolness, but let us persevere with decision.—As to a convention, we regard it as a plan the most desirable and most practicable, soon as the great body of the people shall be courageous and virtuous enough to join us in the attempt. Hitherto we have no reason to believe that the moment is arrived for that purpose. As to any petition to the crown, we believe it hopeless in its consequences. With respect to the last of the proposals, we are at a loss to advise. If the event is looked to in the vote which may be obtained from that body to whom this petition is to be addressed, which of us can look to it without the prospect of an absolute negative? In this point of view, therefore, it cannot require a moment's consideration. But if we regard the policy of such a petition, it may, in our apprehension, be well worth considering as a warning voice to our present legislators, and as a signal for imitation to the majority of the people. Should such a plan be vigorously and generally pursued, it would hold out a certainty to our fellow-countrymen that we are not a handful of individuals unworthy of attention or consideration, who desire the restoration of the ancient liberties of England; but, on the contrary, it might bring into light that host of well meaning men, who, in the different towns and counties of this realm, are silently, but seriously, anxious for reformation in the government.—We exhort you with anxiety to pursue your laudable endeavours for the common good, and never to despair of the public cause."

But of all the societies with which they corresponded, the two of the greatest importance are, the London Corresponding Society (which has been already referred to, and with whom during this whole period the correspondence appears to have been continually kept up), and the assembly which called itself the British Convention at Edinburgh. The first of these it will be necessary for the committee to advert to particularly. The proceedings of the second are already sufficiently notorious. It is therefore only necessary here to add, that on the meeting of the constitutional society, on the 25th of October last, after their adjournment for the summer, a letter was read from the secretary of the convention of the Friends of the People at Edinburgh, to the secretary of the Corresponding Society—in consequence of which it was resolved, that there should be an extraordinary general meeting, to consider of sending delegates to a convention of delegates of the different societies in Great Britain, to be held at Edinburgh, for the purpose of obtaining a parliamentary reform.

On the Monday following, the 28th of October, this meeting took place. Two delegates were chosen, and the following instructions given them:—

"The delegates are instructed, on the part of this society, to assist in bringing forward and supporting any constitutional measures for procuring a real representation of the Commons of Great Britain in parliament. That in specifying the redress to be demanded of existing abuses, the delegates ought never to lose sight of the two essential principles, general suffrage and annual representation, together with the unalienable right in the people to reform. And that a reasonable and known compensation ought to be made to the representatives of the nation by a national contribution."

"That the delegates do punctually correspond with the society, for the purpose of communicating information, and of receiving such

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further instructions as the exigency may require."

"And it was further resolved, that the society be desired to write to the different societies with which this society is in correspondence informing them that the London Corresponding Society, together with this society, have elected delegates to the convention of delegates to meet at Edinburgh on the 29th instant, and to request their concurrence in this important measure."

The Delegate appears, according to his instructions, to have corresponded with the secretary of the society; but no resolutions are entered on the subject, till the 17th of January, subsequent to the apprehension and trial of several of the members of the convention at Edinburgh. On that day the society passed the following resolutions:

"Resolved, That law ceases to be an object of obedience whenever it becomes an instrument of oppression.

"Resolved, That we call to mind, with the deepest satisfaction, the merited fate of the infamous Jeffries, once lord chief justice of England, who, at the æra of the glorious revolution, for the many iniquitous sentences which he had passed, was torn to pieces by a brave and injured people.

"Resolved, That those who imitate his example deserve his fate.

"Resolved, That the Tweed, though it may divide countries, ought not and does not make a separation between those principles of common severity in which Englishmen and Scotchmen are equally interested: that injustice in Scotland is injustice in England, and that the safety of Englishmen is endangered whenever their brethren in Scotland, for a conduct which entitles them to the approbation of all wise and the support of all brave men, are sentenced to Botany Bay; a punishment hitherto inflicted only on felons.

"Resolved, That we see with regret, but we see without fear, that the period is fast approaching when the liberties of Britons must depend not upon reason, to which they have long appealed, nor on their powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised.

"Resolved, That we approve of the conduct of the British Convention, who though assailed by force have not been answered by arguments; and who, unlike the members of a certain assembly, have no interest distinct from the common body of the people.

"Resolved, That a copy of the above resolutions be transmitted to citizen Skirving, secretary to the British Convention, who is now imprisoned under colour of law in the Tolbooth of Edinburgh."

Subsequent to this period the books of the society are full of repeated declarations of approbation and attachment, addressed to Muir, Palmer, Skirving, Margarot, and Gerrald, the persons recently convicted of sedition by the court of justiciary in Scotland; and of the most violent and inflammatory attacks on the proceedings of that court.

Your committee have thus far traced separately some of the leading proceedings of this society, as appearing from the entries in their own books. Before they take notice of those of a more recent date, and which are in the present moment of more immediate importance, it becomes necessary to give an account of the other society, called the London Corresponding Society, because the measures which have been adopted during the last six weeks, appear to have been the result of a more particular and intimate concert between the two societies.

It appears from the evidence before your committee, that the London Corresponding Society meets occasionally in a body, but that its ordinary meetings are in separate divisions in different parts of the town; that the number of these divisions has been gradually increasing; and that there are now about thirty of them established. That there is a secretary to each division, another to the whole body, and a general committee formed from one member of each division. That when the society originally met (which is stated to have been in 1792) it consisted of about two hundred persons, but that in about six months it had considerably increased, and it was agreed that it should divide itself into ten different divisions; that afterwards it was the plan, that when the numbers of any division amounted to more than thirty, they should divide themselves again. That this has not been strictly adhered to; but nevertheless, in some instances, several separate divisions have been formed out of one. One of these divisions is said now to consist of six hundred persons, and the number of the others to be various.

It farther appears, that this society has been in the habit of corresponding with the societies in the country, particularly at Sheffield, Manchester, Bristol, Coventry, Nottingham, Derby, Leicester, Norwich, Birmingham, Leeds, Newcastle-upon-Tyne, Royston, York, Hereford, Edinburgh, and different societies in Scotland.

This society appears likewise, in the course of the year 1792, to have presented an address to the French Convention, of a nature similar to that from the Society for Constitutional Information, and to have communicated it to this latter society, in whose book it is entered.

The committee are not enabled to lay before the House a connected statement of the proceedings of the Corresponding Society, from the time of its institution, as the committee are not in possession of any regular journal of them. But they think it right here to insert a printed paper, which was found in the custody of the secretary of the society, and contains an address stated to have been agreed upon at a general meeting of this society, on the 20th of January last.

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The following is a copy of the said printed paper:—

"At a general meeting of the London Corresponding Society, held at the Globe tavern, Strand, on Monday the 20th day of January, 1794; Citizen John Martin in the chair. The following Address to the People of Great Britain and Ireland was read and agreed to.

"Citizens;—We find the nation involved in a war by which, in the course of one campaign, immense numbers of our countrymen have been slaughtered; a vast expense has been incurred, our trade, commerce and manufactories, are almost destroyed, and many of our manufacturers and artists are ruined, and their families starving.

"To add to our affliction, we have reason to expect, that other taxes will soon be added to the intolerable load of imposts and impositions with which we are already overwhelmed; for the purpose of defraying the expenses which have been incurred in a fruitless crusade, to re-establish the odious despotism of France.

"When we contemplate the principles of this war, we confess ourselves to be unable to approve of it, as a measure either of justice or discretion; and if we are to form our calculation of the result, from what has already passed, we can only look forward to defeat and the eternal disgrace of the British name.

"While we are thus engaged in an expensive and ruinous foreign war, our state at home is not less deplorable.

"We are every day told, by those persons, who are interested in supporting the corruption list, and an innumerable host of sinecure placemen, that the constitution of England is the perfection of human wisdom; that our laws (we should rather say, their laws) are the perfection of justice; and that their administration of those laws is so impartial and so ready, as to afford an equal remedy, both to the rich and to the poor: by means of which, we are said to be placed in a state of absolute freedom, and that our rights and liberties are so well secured to us as to render all invasion of them impossible.

"When we ask, how we enjoy these transcendent privileges; we are referred to Magna Charta, and the Bill of Rights? and the glorious Revolution in the year 1688 is held out to us as the bulwark of British liberty.

"Citizens;—We have refererred to Magna Charta, to the Bill of Rights, and to the Revolution, and we certainly do find that our ancestors did establish wise and wholesome laws: but we as certainly find, that of the venerable constitution of our ancestors, hardly a vestige remains. The only chapters of the GreatCharter, which are now in legal existence, are the 14th and 29th. The important provision of the 14th chapter runs thus: 'A free-'man shall not be amerced for a small fault, 'but after the manner of the fault; and for a 'great fault after the greatness thereof, saving 'to him his contenement; and a merchant 'likewise, saving to him his merchandise; and 'any other's villain than ours shall be likewise 'amerced, saving to him his wainage; and 'none of the said amerciaments shall be as-'sessed, but by the oath of honest and lawful 'men of the vicinage.'

"But by the usurped power of the judges, in assessing fines (and what fines!!) in the cases of misdemeanor, this glorious right of the subject of having these fines assessed by the jury (the only possible protection from slavery and the vilest oppression), is unjustly and infamously ravished from us.

"The provision of the 29th chapter runs thus:—'No freeman shall be taken or impri-'soned, or be disseised of his freehold, or liber-'ties, or free customs, or be outlawed, or exiled 'or any otherwise destroyed, nor we will not 'pass upon him, nor condemn him, but by the 'lawful judgment of his peers, or by the law of 'the land. We will sell to no man, we will not 'deny or defer to any man, either justice or 'right.'

"The various methods now in constant practice by which the benefits of this provision are totally defeated and destroyed, might induce us to suppose, that the Great Charter has been repealed; if we did not assuredly know, that it is the fundamental basis of our constitution; which even the real representatives of the people (much less the miserable nominees of Helstone and Old Sarum) have not the right, nor (as we trust it will be found by experience) the power to repeal. Yet what do we find in practice? Unconstitutional and illegal informations *ex officio*, that is, the arbitrary will of the king's attorney-general, usurping the office of the accusing jury; and the interested oath of a vile common informer, with the judgment of as vile a common trading or pensioned justice, substituted in the room of our birth right, and impartial trial by our country.

"Add to this, that the exorbitant expense of judicial proceedings, the novel practice of arbitrarily and repeatedly annulling the verdicts of juries, and the dilatory practice of the courts, most openly and shamefully contradict the clause which forbids the denial, the delay, and the sale of justice.

"A man accused of felony (for which, by the common law of England, his life and goods are forfeited,) may be bailed on finding two sureties for forty pounds each; but upon a charge of misdemeanor by words only, bail to the amount of one thousand pounds has been demanded.

"Upon conviction, also, for such misdemeanor, enormous fines, long and cruel imprisonments unknown to our ancient laws, and unsanctioned by any new statutes, have of late (and but of late) been too frequently and too oppressively inflicted. And all this, although by this bill of rights it is declared, that 'excessive bail shall not be demanded, 'nor cruel and unusual punishments inflicted.'

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"If we look to Ireland, we find that acknowledged privilege of the people, to meet for the support and protection of their rights and liberties, is attempted, by terror, to be taken away by a late infamous act of parliament: whilst titles of honour—no, but of dishonour,—are lavished; and new sources of corruption opened, to gratify the greedy prostitution of those who are the instruments of this oppression.

"In Scotland, the wicked hand of power has been impudently exerted, without even the wretched formality of an act of parliament. Magistrates have forcibly intruded into the peaceful and lawful meetings of freemen; and, by force (not only without law, but against law), have, under colour of magisterial office, interrupted their deliberations, and prevented their association.

"The wisdom and good conduct of the British Convention at Edinburgh, has been such, as to defy their bitterest enemies to name the law which they have broken; notwithstanding which, their papers have been seized, and made use of as evidence against them, and many virtuous and meritorious individuals have been, as cruelly as unjustly, for their virtuous actions, disgraced and destroyed by infamous and illegal sentences of transportation. And these unjust and wicked judgments have been executed with a rancour and malignity, never before known in this land; our respectable and beloved fellow-citizens have been cast fettered into dungeons, amongst felons in the hulks, to which they were not sentenced.

"Citizens;—We all approve the sentiments, and are daily repeating the words, for which these our respectable and valuable brethren are thus unjustly and inhumanly suffering. We, too, associate in order to obtain a fair, free, and full, representation of the people, in a house of real national representatives. Are we also willing to be treated as felons, for claiming this our inherent right, which we are determined never to forego but with our lives, and which none but thieves and traitors can wish to withhold from us? Consider, it is one and the same corrupt and corrupting influence which at this time domineers in Ireland, Scotland, and England. Can you believe that those who send virtuous Irishmen and Scotchmen fettered with felons to Botany Bay, do not meditate and will not attempt to seize the first moment to send us after them? Or if we had not just cause to apprehend the same inhuman treatment; if, instead of the most imminent danger, we were in perfect safety from it; should we not disdain to enjoy any liberty or privilege whatever, in which our honest Irish and Scotch brethren did not equally and as fully participate with us? Their cause then and ours is the same. And it is both our duty and our interest to stand or fall together. The Irish parliament and the Scotch judges, actuated by the same English influence, have brought us directly to the point. There is no farther step beyond that which they have taken. We are at issue. We must now choose at once either liberty or slavery for ourselves and our posterity. Will you wait till barracks are erected in every village, and till subsidized Hessians and Hanoverians are upon us?

"You may ask, perhaps, by what means shall we seek redress?

"We answer, that men in a state of civilized society are bound to seek redress of grievances from the laws; as long as any redress can be obtained by the laws. But our common Master whom we serve (whose law is a law of liberty, and whose service is perfect freedom) has taught us not to expect to gather grapes from thorns, nor figs from thistles. We must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors.

"There is no redress for a nation circumstanced as we are, but in a fair, free, and full representation of the people.

"Resolved, That during the ensuing session of parliament, the general committee of this society do meet daily, for the purpose of watching the proceedings of the parliament, and of the administration of the government of this country. And that upon the first introduction of any bill or motion inimical to the liberties of the people, such as for landing foreign troops in Great Britain or Ireland, for suspending the Habeas Corpus act, for proclaiming martial law, or for preventing the people from meeting in societies for constitutional information, or any other innovation of a similar nature, that on any of these emergencies, the general committee shall issue summonses to the delegates of each division, and also to the secretaries of the different societies affiliated and corresponding with this society, forthwith to call a general convention of the people, to be held at such place and in such a manner as shall be specified in the summons, for the purpose of taking such measures into their consideration.

"Resolved, That the preceding address and resolution be signed by the chairman, and printed and published.

"J. MARTIN, chairman.
"T. HARDY, secretary."

"*Committee Room, January* 23, 1794.

"Resolved unanimously,—That 100,000 copies of the Address to the People of Great Britain and Ireland, voted at the general meeting, be printed and distributed by the society.

"Resolved unanimously, That the following toasts, drank at the anniversary dinner of the society, be printed at the end of the address:—1. The Rights of Man; and may Britons never want spirit to assert them.—2. The British Convention, lately held at Edinburgh; and success to the important object it had in view.—3. Citizen William Skirving, charged by the sentence of the court of justiciary, with

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the honour of being the cause of calling that convention.—4. The London Corresponding Society, and other patriotic societies of Great Britain and Ireland.—5. Citizen Maurice Margarot, the condemned delegate of this society; and may his manly and patriotic conduct be rewarded by the attachment of the people.

"Citizen Gerrald then arose, and in a stream of inspiring eloquence, pronounced the just eulogium of this truly valuable citizen, so emphatically called by citizen Aitcheson (one of the witnesses on his trial) the second Sidney. He concluded with wishing we might rather die the last of British freemen, than live the first of slaves.

"6. Citizen Joseph Gerrald, the other delegate of this society, now under prosecution; and may his concluding sentiment be engraved upon every British heart.—7. The transactions at Toulon. May Britons remember them as they ought, and profit by dear bought experience.—8. Citizen Hamilton Rowan, and the other true patriots of Ireland; and may the authors of the Convention-bill find that they have committed a bull.—9. Citizens Muir and Palmer—May their sentence be speedily reversed, and Botany Bay be peopled with a colony of real criminals.—10. Success to the arms of freedom against whomsoever directed; and confusion to despots with whomsoever allied.—11. All that is good in every constitution; and may we never be superstitious enough to reverence in any that which is good for nothing.—12. Citizen Thomas Paine—May his virtue rise superior to calumny and suspicion, and his name still be dear to Britons.—13. Lord Loughborough, the earl of Moira, sir Gilbert Elliot, and the other apostates from liberty; and may they enjoy the profits of their apostacy so long as they live.—14. A speedy and honourable peace with the brave republic of France.—15. The starving manufacturers and neglected peasantry of Great Britain and Ireland.—16. Citizen John Frost; and a speedy restoration of that health which he lost in the dungeons of Newgate.—17. The virtuous and spirited Citizens, now in confinement for matters of opinion: and may we show them by our conduct, that they are not forgotten."

On this paper it appears unnecessary to offer any comment, or to do more than call the attention of the House to the concluding resolution.

On the 27th of March the society sent a letter to the society for constitutional information, to which the committee also feel it right to call the attention of the House, as it led to the particular concert, already taken notice of, between the two societies, and to the recent measures founded thereupon, which now remain to be taken notice of.

This letter, and the resolutions of the two societies in consequence, are stated in a printed paper, which was likewise found in the custody of the secretary of the society, a copy of which is here subjoined. They are also entered in the book of the society for constitutional information.

"*March 27th*, 1794.

"To the Secretary of the Society for Constitutional Information.

"Citizen;—I am directed by the London Corresponding Society to transmit the following resolutions to the society for Constitutional Information, and to request the sentiments of that society respecting the important measures which the present juncture of affairs seems to require. The London Corresponding Society conceives that the moment is arrived when a full and explicit declaration is necessary from all the friends of freedom—Whether the late illegal and unheard-of prosecutions and sentences shall determine us to abandon our cause, or shall excite us to pursue a radical reform, with an ardour proportioned to the magnitude of the object, and with a zeal as distinguished on our parts as the treachery of others in the same glorious cause is notorious. The society for Constitutional Information is therefore required to determine whether or no they will be ready, when called upon, to act in conjunction with this and other societies to obtain a fair representation of the people: Whether they concur with us in seeing the necessity of a speedy convention, for the purpose of obtaining, in a constitutional and legal method, a redress of those grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the people of Great Britain. The London Corresponding Society cannot but remind their friends, that the present crisis demands all the prudence, unanimity, and vigour, that ever was or can be exerted by men or Britons; nor do they doubt but that manly firmness and consistency will finally, and they believe shortly, terminate in the full accomplishment of all their wishes.—I am, fellow citizens (in my humble measure), a friend to the Rights of Man,

"T. Hardy, secretary.

"Resolved unanimously,—1. That dear as justice and liberty are to Britons, yet the value of them is comparatively small without a dependance on their permanency; and there can be no security for the continuance of any right but in equal laws.

"2. That equal laws laws can never be expected but by a full and fair representation of the people. To obtain which, in the way pointed out by the constitution, has been and is the sole object of this society. For this we are ready to hazard every thing, and never, but with our lives, will we relinquish an object which involves the happiness, or even the political existence, of ourselves and posterity.

"3. That it is the decided opinion of this society, that to secure ourselves from future

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illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and to recall those wise and wholesome laws that have been wrested from us, and of which scarcely a vestige remains, there ought to be immediately a convention of the people, by delegates deputed for that purpose from the different societies of the friends of freedom, assembled in the various parts of this nation. And we pledge ourselves to the public to pursue every legal method speedily to accomplish so desirable a purpose.

"It was resolved by the society for Constitutional Information, that their secretary should assure the London Corresponding Society, that they heartily approved of their intentions, and would co-operate with them in obtaining an object of so much importance to the peace and happiness of society. And that he also request the London Corresponding Society to send a delegation of its members to confer upon the subject, with an equal number of the society for constitutional information.

"A meeting of the delegates from the two societies being held, they came to the following resolutions:—

"Resolved,—1. That it appears to this committee very desirable, that a convention or general meeting of the friends of liberty should be called for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

"2. That it be recommended to the society for Constitutional Information, and London Corresponding Society, to institute a regular and pressing correspondence with all those parts of the country where such measures may be likely to be promoted, not only to instigate the societies already formed, but to endeavour also to produce such other associations as may further the general object.

"3. That it appears to this committee, that the general object would be promoted if a standing committee of co-operation between the two societies were established, for the purpose of holding personal communications with such members of similar societies in other parts of the country, as may occasionally be in London, and who may be authorized by their respective societies to act with such committee.

"The above resolutions being reported to the society for Constitutional Information, it was by them resolved, that the same should be entered on their books as part of the proceedings of the society; and the Committee of Correspondence was appointed to co-operate with the Committee of the London Corresponding Society, in conformity with the third resolution."

It further appears, from correspondence of a recent date between different societies in the country and the secretary of the corresponding society, that some time in the course of a few weeks past, circular letters had actually been sent to different parts of the kingdom, on the subject of assembling a convention, and a printed paper to this effect has been found in the custody of the secretary to the society; which is here inserted, and which your committee have good reason to believe is a copy of the circular letter referred to.

[The following is a copy of the said printed paper.]

"Citizens;—The critical moment is arrived, and Britons must either assert with zeal and firmness their claims to liberty, or yield without resistance to the chains that ministerial usurpation is forging for them. Will you co-operate with us in the only peaceable measure that now presents itself with any prospect of success? We need not intimate to you that notwithstanding the unparalleled audacity of a corrupt and overbearing faction, which at present tramples on the rights and liberties of the people, our meetings cannot, in England, be interrupted without the previous adoption of a convention-bill: a measure it is our duty to anticipate, that the ties of union may be more firmly drawn, and the sentiments and views of the different societies throughout the nation be compared, while it is yet in our power, so as to guide and direct the future operations of the friends of freedom. Rouse then to one exertion more; and let us show our consciousness of this important truth—'If we are to be beaten down with threats, 'prosecutions, and illegal sentences, we are 'unworthy—we are incapable of liberty.'—We must, however, be expeditious. Hessians and Austrians are already among us; and, if we tamely submit, a cloud of these armed barbarians may shortly be poured in upon us. Let us form, then, another British Convention. We have a central situation in our view, which we believe would be most convenient for the whole island; but which we forbear to mention (entreating your confidence in this particular), till we have the answer of the societies with which we are in correspondence. Let us have your answer, then, by the 20th, at farthest, earlier if possible, whether you approve of the measure, and how many delegates you can send, with the number also, if possible, of your societies. —We remain yours, in civic affection, the London Corresponding Society.

"T. Hardy, secretary.

"For the management of this business we have appointed a secret committee; you will judge how far it is necessary for you to do the same."

Subsequent to the preceedings now stated, there was another general meeting of the Corresponding Society, held at Chalk-farm; the proceedings of which are stated in a printed paper likewise found on the secretary of the society, and which your committee find has been circulated by order of the society.

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This paper is here inserted [as follows:]

"At a General Meeting of the London Corresponding Society, held on the Green at Chalk-farm, on Monday the 14th of April 1794, J. Lovett in the chair, the following letters were read:—

"To the Chairman of the Society of the Friends of the People.

"Sir;—At a crisis so important as the present, there needs no apology on the part of the 'London Corresponding Society,' for addressing itself to all other associated societies, who have in view the same object as themselves.

"To the 'Society of the Friends of the 'People,' arguments are not wanting to show the importance and absolute necessity of a full and fair representation of the people of Great Britain. They have investigated the subject for themselves; they have exposed to the world a series of plain and indisputable facts, which must excite in the mind of every man well disposed to his country, apprehensions of alarm for the security of the few remaining vestiges of liberty, from which, as Britons, we derive consolation.

"Deeply impressed with considerations of this nature, the London Corresponding Society earnestly solicits, at this time, the concurrence and assistance of the Society of the Friends of the People, in assembling, as speedily as the nature of the business will admit, a convention of the friends of freedom, for the purpose of obtaining, in a legal and constitutional method, a full and effectual representation.

"Our request is not made from the impressions of the moment, but after the maturest deliberations on the value and importance of the object for which we are contending, and of the difficulties we may expect from those whose present interests render them hostile to the welfare of their country.

"The opposition of such persons is no small argument for the goodness of our cause; and their late conduct, when compared with their former professions, exhibits a depravity, unparalleled, we trust, on the page of history.

"Under the auspices of apostate reformers, we have lately beheld serious and alarming encroachments on the liberties of the people.

"We have seen with indignation and horror men legally and peaceably assembled, dispersed by unconstitutional powers, and their papers seized.

"We have seen some of our most virtuous brethren, whose only crime has been an imitation of Mr. Pitt, and his associates, sentenced to fourteen years transportation, without the sanction of law, or even of precedent, of which number, one was held up in the British parliament as convicted and condemned, before he was even put upon his trial.

"The insidious attempts also to introduce foreign troops into this country, without the consent of parliament, and the intended bill to embody foreigners into his majesty's service, are measures sufficiently calculated to awaken our fears for the existence even of the name of liberty. Nor can we overlook that part of the present system of corruption, which maintains out of the public plunder, a train of spies, more dangerous to society than so many assassins, whose avowed business is to destroy the friends of the country, one by one.

"These are grievances which demand immediate redress, and when added to those evils which are necessarily connected with every partial representation of the people, call for the strenuous exertions of every lover of his country.

"But we are told that the present is not the time for reform, and that innovation may introduce disturbance. Are those persons to judge of the proper time to make a reform, who exist only by corruption? Are the people of Britain to endure every thing without repining, without ardently seeking a radical reform, because disturbances may happen? Have the enemies to reform told us whence these disturbances are to originate? Has a single overt act been committed by the friends to freedom? Have not all the riots, all the public disturbances, all the seditious assemblies been excited by the enemies to reform? And do they mean to tell us that they will still find other instruments for their wicked designs; that they have yet those who will act over again the outrages that have been perpetrated in some parts of Britain, and attempted in others?

"If such is the determination of those persons hostile to a fair representation, let them look to the consequences, but let them recollect that it has happened, and may happen again, that those who kindled the flames have perished by them.

"The friends to reform are friends to peace, their principles can be promoted only by peaceable means, they know of no other method of obtaining the object they desire. But they will not be alarmed by the threats of venal apostates, they will not draw back because they have seen some of their best friends doomed to exile. They will pursue the course in which they have began, and turn neither to the right nor to the left.

"Convinced as the London Corresponding Society is, that as there is no power which ought, so there is no power which can finally withstand the just and steady demands of a people resolved to be free; they will therefore look with confidence to the determination, and they hope to the co-operation of the "Society of the Friends of the People," in the attainment of an object which involves the dearest interests of society.

"Convinced also that their intentions are of the purest kind, they will never stoop to answer the calumnies of their enemies; but

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will at all times, and in all circumstances, endeavour, by firmness and perseverance, to deserve the countenance and approbation of the best friends of their country, the friends of a fair representation of the people of Great Britain.—I am, sir, for the London Corresponding Society,

" April 4, 1794. THOMAS HARDY, sec."

" Committee Rooms.

" *Frith Street, April* 11, 1794.

" Sir,—Your letter of the 4th instant, addressed to Mr. Sheridan, chairman of the Friends of the People, was laid before that society at their meeting on Saturday last; and they instructed their committee to thank the London Corresponding Society for their communication, and to express the alarm they feel in common with every friend of liberty, at the late extraordinary proceedings of government, so ably detailed, and so justly reprobated by your society. They assure you that all the friends of reform may look ' with confi-' dence to the determination and co-operation' of this society in every peaceable and constitutional measure, which shall appear to them calculated to promote the object of their institution; but they do not think that which is recommended in your letter, is likely to serve its professed purpose. They fear it will furnish the enemies of reform with the means of calumniating its advocates, and so far from forwarding the cause, will deter many from countenancing that which they approve. For these reasons, the Friends of the People must decline to send delegates to the Convention proposed by the London Corresponding Society: at the same time, they renew their assurances of good will, and desire of preserving a proper understanding and cordiality among all the friends of parliamentary reform, notwithstanding any difference of opinion that may occur as to the best method of accomplishing it.—In name and by order of the committee,

(Signed " W. BRETON, chairman.

" To Mr. T. HARDY, secretary to the London Corresponding Society."

" The following Resolutions were then passed unanimously:

" Resolved unanimously,—1. That this society have beheld with rising indignation, proportioned to the enormity of the evil, the late rapid advances of despotism in Britain; the invasion of public security; the contempt of popular opinion; and the violation of all those provisions of the constitution intended to protect the people against the encroachments of power and prerogative.

" 2. That our abhorrence and detestation have been particularly called forth by the late arbitrary and flagitious proceedings of the court of justiciary in Scotland, where all the doctrines and practices of the star chamber, in the times of Charles the first, have been revived and aggravated; and where sentences have been pronounced in open violation of all law and justice which must strike deep into the heart of every man the melancholy conviction that Britons are no longer free.

" 3. That the whole proceedings of the late British Convention of the people at Edinburgh are such as claim our approbation and applause.

" 4. That the conduct of citizens Margarot and Gerrald in particular, by its strict conformity with our wishes and instructions, and the ability, firmness, and disinterested patriotism which it so eminently displayed, has inspired an enthusiasm of zeal and attachment, which no time can obliterate, and no persecution remove; and that we will preserve their names engraven on our hearts till we have an opportunity to redress their wrongs.

" 5. That any attempt to violate those yet remaining laws, which were intended for the security of Englishmen against the tyranny of courts and ministers, and the corruption of dependent judges, by vesting in such judges a legislative or arbitrary power (such as has lately been exercised by the court of justiciary in Scotland), ought to be considered as dissolving entirely the social compact between the English nation and their governors, and driving them to an immediate appeal to that incontrovertible maxim of eternal justice, that the safety of the people is the supreme, and, in cases of necessity, the only law.

" 6. That the arming and disciplining in this country, either with or without the consent of parliament, any bands of emigrants and foreigners, driven from their own country for their known attachment to an infamous despotism, is an outrageous attempt to overawe and intimidate the free spirit of Britons; to subjugate them to an army of mercenary cut-throats, whose views and interest must of necessity be in direct opposition to those of the nation, and that no pretence whatever ought to induce the people to submit to so unconstitutional a measure.

" 7. That the unconstitutional project of raising money and troops by forced benevolences (and no benevolences collected upon requisition from the king or his ministers can ever in reality be voluntary) and the equally unjustifiable measure of arming one part of the people against the other, brought Charles the first to the block, and drove James the Second and his posterity from the throne; and that consequently ministers, in advising such measures, ought to consider whether they are not guilty of high treason.

" 8. That this society have beheld with considerable pleasure the consistent respect which the House of Lords displayed for their own constitutional rules and orders on the fourth of the present month upon the motion of earl Stanhope, concerning the interference of ministers in the internal government of France; and that it is the firm conviction of this society, that this circumstance, when properly detailed, will have a considerable ef-

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fect in convincing the country at large of the true dignity and utility of that branch of his majesty's parliament.

"9. That the thanks of this meeting be given to earl Stanhope for his manly and patriotic conduct during the present session of parliament; a conduct which (unsupported as it has been in the senate, of which he is so truly honourable a member) has, together with the timely interference of certain spirited and patriotic associations, been nevertheless already productive of the salutary effect of chasing the Hessian and Hanoverian mercenaries from our coasts, who, but for these exertions, might have been marched perhaps ere this into the very heart of the country, together with others of their countrymen, to have peopled the barracks which every where insult the eyes of Britons.

"10. That it is the firm conviction of this society that a steady perseverance in the same bold and energetic sentiments which have lately been avowed by the friends of freedom cannot fail of crowning with ultimate triumph the virtuous cause in which we are engaged, since whatever may be the interested opinion of hereditary senators, or packed majorities of pretended representatives, truth and liberty, in an age so enlightened as the present, must be invincible and omnipotent."

"This society having already addressed M. Margarot, their delegate, an address to Joseph Gerrald was read as follows, and carried unanimously.

"To Joseph Gerrald, a prisoner sentenced by the high court of justiciary of Scotland, to transportation beyond the seas for fourteen years!

"We behold in you our beloved and respected friend and fellow-citizen, a martyr to the glorious cause of equal representation, and we cannot permit you to leave this degraded country without expressing the infinite obligations the people at large, and we in particular, owe to you for your very spirited exertions in that cause upon every occasion; but upon none more conspicuously than during the sitting of the British Convention of the people at Edinburgh, and the consequent proceeding (we will not call it trial) at the bar of the court of justiciary.

"We know not which most deserves our admiration, the splendid talents with which you are so eminently distinguished, the exalted virtues by which they have been directed, the perseverance and undaunted firmness which you so nobly displayed in resisting the wrongs of your insulted and oppressed country, or your present manly and philosophical suffering under an arbitrary and, till of late, unprecedented sentence—a sentence one of the most vindictive and cruel that has been pronounced since the days of that most infamous and ever-to-be-detested court of star-chamber, the enormous tyranny of which cost the first Charles his head.

"To you and to your associates we feel ourselves most deeply indebted. For us it is that you are suffering the sentence of transportation with felons, the vilest outcasts of society! For us it is that you are doomed to the inhospitable shores of New Holland; where, however, we doubt not you will experience considerable alleviation by the remembrance of that virtuous conduct for which it is imposed on you, and by the sincere regard and esteem of your fellow-citizens.

"The equal laws of this country have, for ages past, been the boast of its inhabitants: but whither are they now fled? We are animated by the same sentiments, are daily repeating the same words, and committing the same actions for which you are thus infamously sentenced; and we will repeat and commit them until we have obtained redress; yet we are unpunished! Either therefore the law is unjust towards you in inflicting punishment on the exertions of virtue and talents, or it ought not to deprive us of our share in the glory of the martyrdom.

"We again, therefore, pledge ourselves to you and to our country, never to cease demanding our rights from those who have usurped them, until having obtained an equal representation of the people, we shall be enabled to hail you once more with triumph to your native country. We wish you health and happiness; and be assured we never, never shall forget your name, your virtues, nor your great example.

"The London Corresponding Society.

"John Lovett, chairman.

"Thomas Hardy, secretary.

"The 14th of April, 1794."

"It was also unanimously resolved,—That the committee of correspondence be directed to convey the approbation of this society—1. To Archibald Hamilton Rowan, prisoner in the Newgate of the city of Dublin, for his unshaken attachment to the people, and for his spirited assertion of their rights.—2. To John Philpot Curran, for his admirable and energetic defence of A. H. Rowan, and the principles of liberty, as well as for his patriotic conduct in parliament.—3. To the society of united Irishmen in Dublin, and to exhort them to persevere in their exertions to obtain justice for the people of Ireland.—4. To Skirving, Palmer, and Muir, suffering the same iniquitous sentences, and in the same cause with our delegates.—5. To John Clark and Alexander Reid, for their so readily and disinterestedly giving bail for our delegates, instigated thereto solely by their attachment to liberty, uninfluenced by any personal consideration.—6. To Adam Gillies, Malcolm Laing, and James Gibson, for their able assistance given to Joseph Gerrald, at the bar of the high court of justiciary at Edinburgh.—7. To felicitate Thomas Walker, of Manchester, and the people at large, on the event of his, as well as several other late trials, and on

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the developement of the infamy of a system of spies and informers.—8. To sir Joseph Mawbey, for his manly conduct at the late surreptitious meeting held at Epsom in Surrey.

"It was also unanimously resolved,—That 200,000 copies of the proceedings and resolutions of this meeting be printed and published.

"J. Lovett, chairman.
"T. Hardy, secretary.

"Resolved,—That the thanks of this meeting be given to the chairman, for his manly and impartial conduct this day.

"T. Hardy, secretary."

From a review of these transactions your committee feel it impossible not to conclude, that the measures which have been stated are directed to the object of assembling a meeting which, under the name of a general convention, may take upon itself the character of a general representative of the people. However at different periods the term of parliamentary reform may have been employed, it is obvious that the present view of these societies is not intended to be prosecuted by any application to parliament, but, on the contrary, by an open attempt to supersede the House of Commons in its representative capacity, and to assume to itself all the functions and powers of a national legislature.

This object, as what is really intended to be attained by assembling a convention, appears expressly and pointedly stated, even as early as the 15th of April, 1793, in the letter to the United Societies at Norwich, already referred to, and the same letter sufficiently explains the policy in consequence of which, subsequent to that period, the topic of parliamentary reform has been still ostensibly brought forward in some of the communications which have been made public. As a farther illustration of this observation, your committee think it not immaterial to remark, that in a letter from Margarot, at Edinburgh, to the secretary of the society for Constitutional Information, in December, 1793, it is particularly recommended to him not to introduce politics in his letter, or at least nothing but what concerns reform. Whatever disguise, however, may have been employed in an earlier period, seems in the later proceedings to have been wholly relinquished. The object is still stated to be, a fair and equal representation of the people; but a general convention of the people, to be chosen by the delegates of the different societies, is proposed for the purpose of obtaining this end. No mention is made of any application to parliament, or of any amendment of the representation in parliament.

The circular letter, inserted in a former part of this report, recommends forming another British Convention, to be held in a central situation most convenient for the whole island; and states the appointment of a secret committee for that purpose.

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The third resolution passed by the corresponding society on the 27th March, and communicated to the society for Constitutional Information, which was the foundation of the subsequent joint proceedings of the two societies, states the object of the convention to be for the purpose "of securing themselves from future illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and recall those wise and wholesome laws which have been wrested from them." Terms which appear to your committee to be material, not so much on account of their general inflammatory tendency, as because they evidently point at obtaining a redress of supposed grievances, not by application to parliament, but by acts of authority to be exercised by themselves.

The resolutions afterwards passed on the 14th of April contain open attacks on all the branches of the legislature, and a direct invitation to the people to resist measures then in the contemplation of the legislature; and expressly stating that they ought equally to be resisted, whether adopted with or without the consent of parliament.

When, in addition to these considerations, the committee reflect on the leading circumstances which they have already stated, of the declared approbation, at an early period, of the doctrine of the Rights of Man, as stated in Paine's publications; of the connection and intercourse with French societies, and with the National Convention: and of the subsequent approbation of the French system; and consider that these are the principles which the promoters of a convention evidently make the foundation of all their proceedings; they are satisfied that the design now openly professed and acted upon, aims at nothing less than what is stated in his majesty's message, and must be considered as a traitorous conspiracy for the subversion of the established laws and constitution, and the introduction of that system of anarchy and confusion which has fatally prevailed in France.

There still remain two points connected with what has been already stated, which your committee have not yet had the opportunity of investigating as fully as they wish, but which appear too important to be wholly passed over.

It appears to your committee, that in some of the societies referred to, proposals have been received, and that measures have recently been taken, for providing arms to be distributed among the members of the societies.

It also appears, from such information as your committee have hitherto had the opportunity of receiving, that since the apprehension of the persons in whose custody the papers were found which have been referred to your committee, there have been several meetings of the societies in different parts of the metropolis; that the designs which were before entertained have been by no means abandoned; and that on the contrary there

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have been some indications of a disposition to concert means for forcibly resisting such measures as may be taken for defeating their accomplishment, or for bringing the authors and abettors of them to justice.

Debate in the Commons on the Habeas Corpus Suspension Bill.] The preceding Report having been read,

Mr. *Pitt* rose. He said, that the committee of secrecy had formed their opinion on the papers submitted to their examination with the greatest expedition, and their report stated so fully and particularly those circumstances, which in the judgment of the committee required the immediate attention of parliament, that he felt it hardly necessary for him to do more than shortly to recapitulate the different objects to which that report applied, and the various particulars which came under their consideration. Gentlemen would perceive that that report, so expeditiously laid before the House, contained a general view of the transactions referred to the committee, without waiting for a more minute investigation, and was shortly this:—that it appeared to them that a plan had been digested and acted upon, and at that moment was in forwardness towards its execution, the object of which was nothing less than to assemble a pretended convention of the people, for the purposes of assuming to itself the character of a general representation of the nation; superseding, in the first place, the representative capacity of that House, and arrogating, in the next place, the legislative power of the country at large. It would be for the House to consider whether the circumstances contained in the report, impressed their minds with the same conviction with which they had impressed the minds of the committee. If they did, he could not have a doubt but that they would lead to the same practical conclusion, namely, that, if such designs existed, if such designs had been acted upon and were in forwardness, there was not one moment to be lost in arming the executive power with those additional means, which might be sufficient effectually to stop the farther progress of such a plan, and to prevent its being carried into final execution.

It was chiefly necessary for the House, in considering the report, to recollect, that a great part of it was merely introductory; and that, though it stated transactions of a date long antecedent to the period in which the acts of the societies implicated had assumed the serious aspect of practical treason, and though they were of notorious publicity, it was nevertheless necessary to bring them forward again to observation, to give a clue to unravel the complicated circumstances of the plan, and, by comparison and combination of them with the subsequent proceedings of the individuals concerned, to show, that from the beginning their views were the same, and that the pretext of reform, under which they masked their purpose, was far from being the true object of their intentions. The House would also carry along with them, that the committee, having been stinted in point of time, had not been able to digest methodically, or point out distinctly, the various minute parts that formed the great and momentous business before them. In order to give the House, however, as soon as possible, possession of so much of it as might serve to point out the daily and increasing approximation of danger, the committee, in examining and making up the report, had kept in view the great object, the leading design of the plan: for it was not to be imagined, that the distance of the transactions in point of time, and the fact of their being previously known, made them the less material as comments on those parts of their conduct which were discovered in their full maturity.

It would be seen by the report, that the papers found, as far as related to that part of the conspiracy which immediately implicated the Corresponding Society, and that for Constitutional Information, contained two years correspondence with various other societies in this and a neighbouring country, and from these, coupled with their subsequent and more recent proceedings, it was evident that those societies, which would be found to be now setting on foot a convention, had had such a measure in contemplation from the very outset; that it was conceived so long ago as two years back; was openly avowed in their correspondence, but kept in reserve to be reduced to practice as soon as a seasonable occasion should offer. This whole system of insurrection would appear, from the papers found with them, to be laid in the modern doctrine of the rights of man;—that monstrous doctrine, under which the weak and ignorant, who are most susceptible of impression from such barren abstract posi-

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tions, were attempted to be seduced to overturn government, law, property, security, religion, order, and every thing valuable in this country, as men acting upon the same ideas had already overturned and destroyed every thing in France, and disturbed the peace and endangered the safety, if not the existence, of every nation in Europe. However gentlemen might ground arguments against the cautionary measures taken to prevent the evil effects of that pernicious doctrine, on the contemptible situation of the authors, and the absurdity of the principles of those books in which it was inculcated, yet, allowing the one to be in the extreme as contemptible as the others were absurd, it was no light or trivial circumstance, when, deduced from it, alarming principles were promulgated and eagerly adopted by large bodies; and when the proceedings of all those Jacobin societies would appear (as the papers before the House fully demonstrated) to be only comments on that text;—a text for the inculcation of which those societies were the disciples here, as their corresponding French brethren were the instruments for disseminating it in France, and extending it by carnage and slaughter to all other parts of Europe.

It would appear, that, prior to the enormities committed in France, a correspondence had been carried on between those societies and the Jacobin club in Paris, and that delegates were sent from them to the National Convention, and received formally by that assembly; and that, at the very moment when the Jacobin faction which usurped the government of that country had commenced hostilities against Great Britain, those societies still, as far as they could, had pursued the same conduct, expressed the same attachment to their cause, adopted their appellations, forms of proceeding and language, and, in short had formed a settled design to disseminate the same principles, and sow the same seeds of ruin, in their own country. It would be found, not only that the most effectual plans which cunning could devise, had been laid to carry this design into practice, but in the report would be seen a statement of the catalogue of manufacturing towns marked out, as the most likely (from the vast concourse of ignorant and profligate men who necessarily collect in such places) to adopt their plans, and corresponding societies established there, to keep up the chain of seditious intercourse, and promulgate and give it universal circulation. Gentlemen would find in that catalogue a well-chosen selection of the places where those people dwell, who must be naturally supposed most ready to rise at the call of insurrection; who were most likely to be blinded by their artifices, and prejudiced by professions; whose understandings were most subject to be misled by their doctrines, and rendered subservient to their views, and whom fraudful persuasion, proneness to discontent, and the visionary and fallacious hope of mending their condition by any alteration of it whatever, would be most likely to congregate into an enormous torrent of insurrection, which would sweep away all the barriers of government, law, and religion, and leave our country a naked waste for usurped authority to range in, uncontrolled and unresisted.

In considering this subject, the House could not but remark the extraordinary manner in which those societies had varied their plans of operation; sometimes acting in undisguised audacious hostility, sometimes putting on the mask of attachment to the state and country; one day openly avowing their intentions, as if purposely to provoke the hand of justice; the next, putting on the mask of reform, and affecting the utmost zeal for the preservation of the constitution. In their letter to the society at Norwich, would be seen a plain avowal of their object, an apology for deigning to apply to parliament; and a candid, sincere confession, that, not to the parliament, not to the executive power were they to look for redress, but to the convention which they proposed to erect, and to themselves: afterwards they recommended persevering in petitioning for reform to be used as a mask to their designs, which they were to throw off when time served, and a period propitious to their views should arrive. Happily for this country, and for the whole world, they had prematurely thought that period at hand, and thrown off the mask just when the bulk of the nation unanimously were uniting with government in vigilance and care for its protection, and in the resolution to oppose their efforts.

By a due attention to the correspondence of that society, the House would find, in their communication with the British Convention at Edinburgh, which still

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retained some flimsy remnant of that disguise, some remains of that hypocrisy assumed to hide those designs which, though not publicly declared, too obviously appeared, that they styled this convention the representatives of the people, clothed in all the right to reform, and send delegates to it: and, when some of the most mischievous and active of its members fell under sentence of the law, that they boldly asserted their innocence, nay their merits, directly in the teeth of that law, paid every tribute of enthusiastic applause to the persons convicted by the verdict of juries legally constituted, and of respect to the convention, pronouncing them objects of panegyric and envy, In conformity to their prior declarations, and to the plans of insurrection laid by them, they made the legal condemnation of those guilty persons the signal, as they styled it, of coming to issue on the point, "Whether the law should frighten them into compliance, or they oppose it with its own weapons, to wit, force and power!" that is to say distinctly, whether they should yield obedience to the laws of their country, or oppose them by insurrection? That was avowed in as plain and marked language as man could possibly conceive. He thought that that case, so circumstanced, and supported by such a variety of coincident matter, was as strong a case as the mind of man could well imagine; yet, singular though it might appear, all this was but introductory to facts of a still stronger nature which were to follow. He should call the attention of the House to the history of a society which, despicable and contemptible though the persons who composed it were, as to talents, education, and influence, yet when looked at with cautious attention, and compared with the objects they had in view, and the motives on which they acted, namely, that great moving principle of all Jacobinism, the love of plunder, devastation, and robbery, which now bore the usurped name of liberty, and that system of butchery and carnage which had been made the instrument of enforcing those principles, would appear to be formidable in exact proportion to the meanness and contemptibility of their characters. Of that society the characteristic was, that, being composed of the lower orders of people, it had within it the means of unbounded extension, and concealed in itself the seeds of rapid increase. It had risen already to no less than thirty divisions in London, some of those containing as many as six hundred persons, and was connected by a systematical chain of correspondence with other societies scattered through all the manufacturing towns where the seeds of those principles were laid, which artful and dangerous people might best convert to their own purposes. It would appear in proof, that that society had risen to an enormous height of boldness, and erected in itself, in express terms, a power to watch over the progress of parliament, to scan its proceedings, and prescribe limits for its actions; beyond which if it presumed to advance, that august society was to issue its mandate, not only to controvert that act, but to put an end to the existence of parliament itself: so that, if the parliament should think it necessary to oppose, by any act of penal coercion, the ruin of the constitution, that would be the war-whoop for insurrection; the means of our defence would become the signal for attack, and the parliament be made the instrument of its own annihilation. Such language as this, coming from people apparently so contemptible in talents, so mean in their description, and so circumscribed in their power, would, abstractedly considered, be supposed to deserve compassion, as the wildest workings of insanity; but the researches of the committee would tend to prove, that it had been the result of deep design, matured, moulded into shape, and fit for mischievous effect when opportunity should offer.

About six weeks since, there had arisen a new æra in this history of insurrection, in which the House might contemplate those great machines of Jacobinism, the societies alluded to in the report. At that period the Corresponding Society had laid, in due form, before the Society for Constitutional Information, a deliberate and deep concerted plan for actually assembling a convention for all England, not to be the representatives of these particular bodies for the accomplishment of particular legal purposes, but to be the representatives of the whole body of the people of England, and evidently to exercise legislative and judicial capacities, to overturn the established system of government, and wrest from the parliament that power which the people and the constitution had lodged in their hands. Within a few weeks the plan was fixed upon to be carried into execution, and in their

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circular letter they precisely and emphatically stated that no time was to be lost; and lest, by any possibility, their ruinous intentions should be misunderstood, the letter was addressed equally to all parts of the island, and circulated with a share of vigour, cunning and address, truly astonishing. It contained also a declaration that a central spot was fixed upon, which they would not venture to name till they had assurances of the fidelity of those to whom they were to disclose it; which central spot they chose, as they themselves asserted, for the purpose of having with greater facility the delegates of the whole island present when they assembled; and they particularly desired each separate society to send an exact account of the number of its members, friends, and adherents, in order to estimate their force. Of this they informed the Society for Constitutional Information, in a letter, accompanied with a set of resolutions.

It might be objected that men of the description which he had stated, could not be expected to act so consistently, and under such well-managed disguise; but when, on inspection, it appeared that their plans had been carried on with a degree of cunning and management that greater men in worthier causes had failed in manifesting, that objection could have no weight when opposed to evidence thus incontrovertible. Who was there that knew what Jacobins and Jacobin principles were, but must see, in the pretences of reform in parliament held out by these societies, the arrogant claims of the same class of men as those who lorded it in France, to trample upon the rich, and crush every description of men, women, and children; the dark designs of a few, making use of the name of the people to govern all; a plan founded in the arrogance of wretches, the outcasts of society, tending to enrich themselves, by depriving of property, and of life, all those who were distinguished either for personal worth, or for opulence?—a plan which had been long felt by the unfortunate people of France in all its aggravated horrors, and which, he feared, would long, very long, continue to be felt by that ill-fated country.

From the period he had mentioned, they had acted upon that horrible plan; and subsequently (on the 14th of April) the House would find a meeting of the society, their proceedings in which meeting, carried with them no faint illustration of what they might be expected to do in the full majesty of power. There would be found resolutions arraigning every branch of the government, threatening the sovereign: insulting the House of peers, and accusing the commons of insufficiency: there would be found notice taken of the measures of parliament, which had been previously made the signals for an insurrection of the people and declarations that certain measures if adopted, whether with or without the consent of parliament should be rescinded, under their doctrine, *Salus populi suprema lex*, and that the constitution had been utterly destroyed. Could there be a more explicit avowal of their views? All the materials from whence proof of these allegations was drawn, rested on their own authentic records, and on the express and unequivocal avowal of their own deliberate acts in their meditated system of insurrection. This was the essence of the subject; but if the House were of opinion, that this so deeply affected the safety and existence of parliament itself, and struck at the root of government and the constitution, as to demand interference, there were, in addition, other things which must contribute not a little to increase the impatience of the House, to baffle the views of those conspirators, and stop the final execution of their projects.

For his part, Mr. Pitt said, such was his opinion of the British constitution, that, even supposing the executive government had been guilty of every neglect of their duty in watching over its safety, and parliament had been supine under those manifestations of sedition, he conceived its enemies must nevertheless have failed of success; but, however persuaded he might be of this fact it was still right to prevent, by timely interference, the small misery which a short struggle might necessary produce, and to save the nation at large from the reproach that they had seen such acts, and heard such avowals, without having adopted proper steps to check their execution, and punish those who were so wicked as to devise them. There were stated in the close of the report, on grounds not light or trivial though not minutely entered into in the report till after fuller investigation by the committee, allegations that arms had been actually procured and distributed by these societies, and were in the hands of those very people whom

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they had been striving to corrupt: and that even now, instead of breaking up this formidable league, and disbanding and dispersing this jacobin army, they had shown themselves immoveably bent on the pursuit of their purpose, and displayed preparations of defiance and resistance to the measures of government.

It remained for the House to consider what was to be done? And in considering that, they would not refer to the quality of the persons, but to the nature and magnitude of the objects they had in view. It would be found, when the causes and proceedings were taken into contemplation, that so formidable a conspiracy had never before existed. The inquiry was yet far from complete, and unfit for final decision, the documents being very voluminous: but the committee had deemed it their duty to show the House that instant precaution was necessary, and had therefore, though unable to finish the important research, laid before the House what they had yet done, which he hoped would be thought sufficient grounds for adopting the measure he intended to propose. It had been usual, he said, in time of danger, to enact a temporary suspension of the Habeas Corpus laws; as those were made for the preservation of the constitution on the one hand, so on the other they could not exist if the constitution was gone. The temporary sacrifice of this law was on certain occasions as necessary to the support of the constitution, as the maintenance of its principle was at all others. It was suspended, he said, at a time when the constitution and liberty of the country were most peculiarly guarded and attended to: and that suspension was more particularly called for now, when attempts were made to disseminate through the realm, principles and means of action that might endanger that constitution, for the preservation of which that law was made, and produce much more lamentable effects, and at last be remedied by more dreadful means than the mode he proposed. This was not his opinion alone, but the sentiments of all those respectable gentlemen of the committee who had investigated the matter. He therefore moved "That leave be given to bring in a bill to empower his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government."

Mr. *Fox* said, that however unpleasant it was for him to attend that day in the House on account of indisposition, he had thought it his duty to do so, on being told that the report of the committee of secrecy was to be made; for in the course of that report he had expected to have heard something new, and something that might call for the immediate attention of the House. He had listened with all the attention he was master of to the report; and he must confess he never was more surprised in his life, than that those who framed the report, men of such talents and character, should have thought it necessary to recommend so sudden, so violent, so alarming a remedy as that which had been proposed; a proposal grounded upon facts that had been, all of them, notorious for years. He was aware there was some part of it which stated to be something new; but of that he should say something presently. He was surprised, however, that the committee should call the attention of the House so solemnly for the purpose of telling them that two years ago a society had come to certain resolutions, which were published in every newspaper in the kingdom; to tell the House in a pompous, public, formal manner, what had been presented to the National Convention of France, and what answers had been given; to inform the House in detail what administration had seen passing before them day after day, and then to call on the House for its immediate consideration of the probable effect of such events, and of the necessity of putting an end, by the most violent of all means, to what had so long been suffered to pass in silence. The report however, was not a mere report of these stale ridiculous, contemptible facts; it stated also an inference arising out of them. He could not arrive so readily as the right hon. gentleman at a conclusion upon these points, taking them all to be exactly as they were related. He begged leave to differ from him and from the whole of the committee upon that subject: he thought the inference of the committee unfair: he would go farther, he thought that taking, for the sake of argument, the inference to be fair, that would not warrant the measure proposed. He should not go into the question whether these persons had acted consistently or not; that was not matter for consideration then; through the whole course of the business they had wished for a convention, for the purpose of legally obtain-

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ing a parliamentary reform. The convention at Edinburgh had been taken notice of; that convention, in all its proceedings published in the newspapers, had uniformly stated their views to be not to oppose the power of government, but to seek redress of grievances. With regard to conventions of this sort, was the right hon. gentleman prepared to say they were seditious? He did not know that the right hon. gentleman was a member of any former convention, but he himself certainly was a member of one in the year 1780; they were chosen as delegates and had several meetings in London and Westminster afterwards: and if that was illegal all he could say was, that they carried on their proceedings with great imprudence, for they went on in the most public manner, and held correspondence publicly with societies in Yorkshire and other places; they presented the result of their labours to the House; the House refused to recognize them in such a character as delegates, but said that they had a right to petition as individuals, and therefore received their petition. He mentioned this merely to show that such a convention was legal. Never till lately had such a measure been thought either against the letter or the spirit of the constitution. If it had been illegal, the minister had been scandalously negligent, and so had many others. A scandalous negligence must have attended the obtaining a free constitution for Ireland. A scandalous negligence alone could have suffered the Roman Catholics of Ireland to obtain what was lately granted to them, for it was by a convention they had succeeded in obtaining their late privileges. His majesty had received them in the capacity of delegates, and granted their request. Happy was it for them, and happy for a great part of the rest of the world, that such an event had happened. His majesty had received them with that benignity which belonged to his character; but would it be contended that the Roman Catholics would have gained this object if it had not been for a convention? He, indeed, well knew what extraordinary things were attempted by those who were supported by great numbers. Let gentlemen look to the rejection of the Roman Catholic petition: in the first application of the Roman Catholics to parliament there were only about five and twenty in its favour; but how differently were they received the next year, when they were so supported, and when they appointed a convention of delegates! After that, would any man say that he had a doubt of the means by which this had been effected? But when he made this remark, was he consequently saying, that the proposed convention in the present case would be meritorious? No such thing: he was giving no opinion upon that subject; he only said, that it would be dangerous for that House to declare its illegality. There was not any other charge against these persons, than that they might of their own authority make an attempt to alter the form of parliament; now, he asked if any gentleman was prepared to say, that that very convention would not apply to parliament for a parliamentary reform?

With respect to the number of these persons, he really believed that it was not very considerable. That they had increased since their first formation, he had no doubt; for it would be strange, if the measures of administration had occasioned no dissatisfaction in the country; it would be wonderful in our history indeed, if a war of two years, carried on upon such principles, and attended with such disastrous circumstances, had not excited a spirit of discontent and resentment against the authors of those calamities. He would go farther, for he would not be intimidated; many internal circumstances, many things had taken place, to which he could never subscribe; the punishments lately inflicted in Scotland were of the same nature; he did not approve of any of these things; on the contrary, he agreed with those who thought these proceedings an abuse of the power of government, an abuse of law, an abuse of justice, an outrage to humanity, and likely to tend to alarm every man in England who had the least esteem for the principles of liberty; since, if these proceedings should become general, there was an end of all liberty.

With regard to the nature of the convention which had been so much talked of, Mr. Fox said, he must make one observation. Against whom, he would ask, was this thunder of government levelled? Was it against men of influence? No. Such a convention could have no influence, and it would be ridiculous in government to stop them. The constitution had too many admirers, had too many defenders, to have any fears from the attempts of such men. But if government did really believe that they meant to form

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a government of themselves, could they be so mad, so absurd, as to suppose that they would be joined by any body sufficiently numerous to create any serious alarm? Surely not. For his part, he solemnly believed, that if a hundred men were to assemble together, and presume to dictate laws to the rest of the community, there could not be found another hundred who would be willing to join them. This constitution had too many defenders, too many well-wishers, to fear any such paltry attempts to overturn it. But he should suppose this convention assembled by Mr. Hardy and Mr. Adams, and that they entertained the views ascribed to them; he would then say, that the measure now proposed was of infinitely greater mischief to the people than that which it proposed to remedy. Were the House aware of the extent of this measure? It was no less than giving to the executive authority absolute power over the personal liberty of every individual in the kingdom. It might be said that ministers would not abuse that power. He must own for his part, that he did not feel himself very comfortable under that reflection; every man who talked freely; every man who detested, as he did from his heart, this war, might be, and would be, in the hands and at the mercy of ministers. Living under such a government, and being subject to insurrection, comparing the two evils, he confessed he thought the evil they were pretending to remedy, was less than the one they were going to inflict by the remedy itself. We were going to give up the very best part of our constitution; and that which every man was entitled to do, and which he was now doing—delivering the sentiments of his heart upon the affairs of government, for the benefit of the public, would be at an end at once. Might he not then say, that there was an end of the constitution of England.

But was there any instance on such an occasion, of such a measure? Such a measure had been adopted in the reign of king William. Was that similar to the present reign? The same measure had been adopted in the time of the rebellion in 1715, and again in 1745. Were the circumstances then similar to the present? At that time there was an army in the kingdom in favour of a popish prince, claiming a right to the throne; and that too, if we were to credit report, at a time when the people were a great deal divided in opinion as to the propriety of the succession of the House of Hanover. Was there any such prince now? Were there any such circumstances now? Nothing like it. Here we saw a number of individuals without arms, without means of any kind whatever, talking of a reform in parliament. Such being the circumstances, he must say, that the House would betray its duty to the constitution, if it should agree to the present measure. Having said thus much, he had but one thing more to submit. He was exceedingly surprised at the precipitation with which this business was brought forward; he conceived that a few days could make no difference, and that the right hon. gentleman could have no objection to a call of the House on a question of such magnitude. Was the danger so imminent, that a number of members must be deprived the privilege of delivering their sentiments upon so alarming an exigence? Could one fortnight make such a difference? Was the danger so great, as to exclude all possibility of deliberation, and compel the House to run headlong into the snare which the timidity or temerity of the minister had prepared for them? For his part, detesting equally the endeavour to intimidate, as the endeavour to enslave, he must feel it his duty to oppose the leave for bringing in the bill He saw that a fancied terror had intruded itself upon the faculties of several members, and that they were prepared to sacrifice their duty to notions of supposed expediency and groundless alarm. Having an invincible objection to every species of delusion, he for one should enter his decided protest against the proceeding about to be adopted. He saw this measure in so dreadful a point of view, that he should consider himself as betraying his constituents and the public, if he did not oppose it in every stage. It was a measure that went to overturn the very corner-stone of the constitution, and which surrendered to ministers the personal freedom of every man in the kingdom.

Mr. *M. Robinson* reprobated the measure as unfounded and impolitic, and thought that ministers were carrying things too far. One right hon. gentleman (Mr. Windham), whose conduct in that House had entitled him to respect in general, had gone so far as to say, that the laws of this country should be brought to the standard of the Scotch laws—a

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proposition which every man, who retained the slightest regard for the freedom or happiness of his country, must reprobate.

Mr. *Martin* expressed his alarm at the measure which ministers proposed to adopt. If any man was convicted, let him suffer; but let not the whole country be involved in his folly and his guilt. He was attached to the constitution, and thought that any attempt to destroy it, ought to be punished. He would on no account consent to surrender this palladium of our freedom into the hands of ministers upon such trifling grounds as were stated in the report.

Mr. *Lambton* said, that if he saw any thing like insurrection, or any serious danger, he would readily consent to surrender the constitution for a short time, for the sake of its future security. But before a measure of such consequence was proposed, he believed there was not a man in the House who would not have expected that some sort of grounds would be given for bringing it forward. He had attended to the report, and found that it contained nothing that had not been known and seen in all the public papers for the last four years. Indeed, it was nothing more than a repetition of what had been introduced more than once in the speeches of a right hon. gentleman (Mr. Burke), and which then, when his hon. friend (Mr. Sheridan) moved for a committee to inquire into the grounds of the alarm occasioned by these and other such papers, the House thought it a motion of so useless a nature, that they rejected it. Yet now, upon the very grounds which were not then deemed sufficient to merit inquiry, was founded a reason for a temporary suspension of our best rights and privileges.

Mr. *Harrison* was decidedly of opinion that the case stated in the report did not call for such a pointed interference on the part of the legislature as a suspension of so fundamental a part of the constitution, as the personal liberty of the subject. He agreed, that if any thing could be construed into a justification of such proceedings as were charged to the societies, it was the conduct of administration, which, since the commencement of the war, had been such as must tend to provoke a free people to considerable lengths; but in the present occasion such was not the case; the proceedings of the bodies alluded to were, as far as had appeared, justifiable on constitutional grounds; and some of their principles, it would appear, had been taken from those laid down by the chancellor of the exchequer and his friends at a former period. But, allowing the right hon. gentleman the full scope of his argument, was the extremity proposed to be resorted to justified either by sound wisdom or policy? If leave was given to bring in the bill moved for, there were two things which it would be indispensably necessary to move; the one was, that while the suspension of the Habeas Corpus act continued, the House should continue to sit; and the other, that an account should be rendered by the executive government to that House, of all persons apprehended and confined under this bill; because it would give to ministers the power of throwing in gaol, and detaining any person whom they might be inclined to distress, and that upon any pretext, they might choose to allege. With regard to the report, it contained nothing but what had been publicly known long before, except the idea that those who were to form the convention had been providing arms, and were nearly ready to use them to enforce illegal purposes. If this was really the case, of which, however, no proof was offered, it was of itself an overt act of treason; and surely there were existing laws in the country for such an heinous offence. It might be said, that there was no danger of the present ministers abusing such a power; but his duty on the present occasion prompted him to consider what men, armed with such power, might do. He would therefore oppose the motion.

Mr. *Burdon* professed the utmost confidence in the secret committee, and justified the conduct of ministers, which on this occasion had been active, vigilant, and laudable. He admitted the report to be incomplete; but so convinced was he of the propriety of the present measure, that it should have his support.

Mr. *Grey* could not agree that this, as a first step, was to be justified or supported. It was not his wish to enter at large upon the question before the House. There would be future stages of the bill, on which he and others, who were not then present, might find it necessary to go into a more particular discussion of it. It was therefore his intention, as soon as the present question was disposed of, to move that the House should be

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called over, that those who know nothing of what was to happen that day, might have an opportunity of attending in their places and giving their votes,—upon a question the most important, and the most alarming, that could be agitated in that House, and one in which their dearest interests were so much at stake. He also meant to propose that the report should be printed. It was only late last night, that he had heard by accident that a report from the committee of secrecy was to be made that day. It had been his intention to leave town that morning, to attend a particular and urgent business at some distance; but when he found that a question of such magnitude as the present, and one in which were involved the personal liberty of the subjects, and the most valuable rights of the people of England, was to be agitated, he was compelled by the strongest impulse of duty to his constituents, to attend in his place. He expressed his surprise that any measure, of any sort, could be founded on those trumpery papers alluded to in the report, almost all of which had been published long ago, and, if worthy of notice, ought to have been attended to last year, when at the meeting of parliament there seemed to some gentlemen to be so much cause for alarm. He concluded with observing, that those who were most violent in their declamations against the proceedings of France, were the most servile in their imitation of them, and that nothing could be a stronger proof of this than the whole conduct of ministers for the last two years.

Mr. *Wigley* thought there were sufficient grounds in the report and in the message from the throne, to convince the House of the propriety of bringing in such a bill as that moved for, and would therefore give his support to the motion.

Mr. *Jekyll* expressed his great astonishment that the report contained nothing, in fact or in substance, that had not been published long ago, and ought to have been noticed at the time, if worthy of notice now. If any reason could be given for resisting his hon. friend's wish that it might be printed, it must be that all it contained had been printed and published already. His surprise was considerably increased, when he knew the respectable and hon. gentlemen who composed the committee, and from whom a report of a very different nature might have been expected; but they seemed to have proceeded more upon an idea of panic and alarm than on any other. There were some of them, indeed, who had been originally alarmists; but it looked as if those who had not taken the alarm in a natural way, had been inoculated by the company they had kept; and when the House attended to the mouse which this mountain had produced, he believed there was not a man in it would not say with him, that the minister had brought forward one of the most violent, destructive, and daring measures that he could have done, upon grounds the most miserable, flimsy, and ridiculous, that ever were heard of.

Mr. *Sheridan* rose amidst a loud cry of question! question! He said, that while liberty of speech and liberty of parliamentary proceeding in that House remained, and he did not believe it could long remain if such a bill passed, he would never so far forget his duty to the country, as to allow it to pass in silence; however much it might be the wish of ministers to hurry through the House, a measure which was one of the most daring, abominable, and unprecedented that had ever been offered to the consideration of a British House of Commons. He held the minister's attack upon the people of Great Britain to be unfounded, unjust, and impolitic in the highest degree, by falsely telling to the French that the people of this country were so disaffected, as to make the most harsh measures necessary to restrain their proceedings against the government. With regard to the report, he must say, that the moment it was produced must appear to the people to be a moment of joy and congratulation. For after all the exertions of this committee of public safety, instigated as they were by the most tremendous alarms that had ever frightened any country, what had they to shew to the country as the fruits of their alarms? What was to be found in the famous report of the British Barrere? Shortly this, a number of copies of idle papers that had been printed, published, and circulated, some of them for the last two years, and all of them before the commencement of the last session of parliament. Why had they not been prosecuted at the time they appeared? Why did not the attorney-general prosecute upon the paper signed by Martin, which of all others, contained the most criminal matter? One thing, and only one, had been started that was any thing like

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new, and that was, that these societies had been providing arms. This, by the way, remained merely as an assertion, for no proof had been given to the House on that head; but if it really was so, were there not laws by which such guilty persons might be brought to condign punishment? He, for one, believed that no such practices existed in the country, and that ministers and their friends knew this to be the case; but it was necessary for them and for their views, to keep up, or rather create some new panic to gain that continuance of power over the people, which seemed to be so much the object of their wishes. He believed most firmly that this measure was founded on a conviction on the minds of those who introduced it, that no practices existed in this country, that made this proposal for putting the liberty and the property of all the people of Great Britain at the discretion of the executive government necessary; a power which never had been nor ought to be given, except in times of actual rebellion, or of imminent danger. It was singular that of all the great men who composed this committee, none of them had come forward in defence of this measure except the chairman. The principal argument which he had used, went to prove the illegality of conventions; but certainly he could not be serious in using such an argument: there had been many conventions in England, Scotland, and Ireland, for different purposes, and none of them had ever been thought illegal. He had belonged to some, and he believed the right hon. gentleman had; he was sure the duke of Richmond had; and though they were for the purpose of parliamentary reform, they held their conventions in the Guildhall of London, with the leave of the lord mayor, with clerks and other attendants from the Mansion-house, at their command, and from thence they published their proceedings and resolutions. In Scotland, a convention had been held for a reform in the county elections, and the lord advocate presided at that meeting, and gave it the name of convention. In Ireland it was by a convention that the Roman Catholics had obtained that which was denied them by using every other mode of proceeding. In none of those instances had conventions been thought illegal. With regard to the discretion of those who were to be entrusted with the extraordinary power, which a suspension of the Habeas Corpus act would put into the hands of the executive government, it had been said, that there was no danger of its being abused or perverted to improper purposes. On this point he differed widely, and had a right to refuse it; because having that day seen the frivolous pretexts upon which this bold and dangerous measure was founded he was led to suppose, that if ministers had the power to detain persons suspected, they would be very apt to proceed upon suspicions equally frivolous. Besides if they once got the power, there might be foul play, and men might be confined upon no other ground than that of being hostile to the measures of administration; nor could any man in or out of that House be safe, if they were inclined to misrepresent or distress him. He was warranted in this argument by the calumnies that were daily circulated against himself and others, in newspapers, almost avowedly employed by ministers for such detestable purposes. Though he had been for many years peculiarly the object of calumny and misrepresentation in newspapers, they never should induce him to commence a prosecution against them: and this forbearance was in a great degree owing to the sincere attachment he had for the liberty of the press, and which he should be sorry, by any act of his, to endanger. It could not, however, escape his notice, that in one particular newspaper which was known to be under the influence, if not under the immediate direction of administration, he was uniformly abused in the most gross and indecent manner. Even that very day he was accused of holding an improper communication with a person outlawed by the laws of his country. Amongst the many prosecutions carried on to support the dignity of parliament, the attorney-general should feel himself equally interested in vindicating the characters of individual members. He would not directly charge ministers with personally slandering him. He would not be so unmanly as to impute to any set of gentlemen the dark and groveling meanness of saying those things insidiously which they dared not mention to his face. If there was any lurking suspicion in the minds of any men, let them come forward and boldly avow them: where there was guilt let the broad axe fall; public charges he was ready to meet, and to confound any one who should presume to arraign him; for, in the whole of his conduct from the beginning of the French revolution, he thought himself en-

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titled to some merit, instead of having incurred any reproach.—He then descanted on the application which the precedents adduced would bear to the present subject and particularly distinguished the suspension of the Habeas Corpus during the American war, which was limited to persons coming from America, and not general as in the present case. He accused Mr. Burke of having so far concurred in the convention of the Irish Roman Catholics, that his son acted as one of their agents; he admitted him to have been very worthily employed; but the fact at least proved, that the hatred of conventions was not so unlimited as might otherwise be expected. He trusted that there would be abundant opportunities of discussing the principle of the bill in its future stages, for notwithstanding the abruptness with which it was brought in, ministers would, no doubt, reflect on the responsibility which would fall upon them on a future day, and though he was far from being of a sanguinary disposition, he should not be sorry to find that the minister who should advise his majesty to pass a bill of this magnitude, so hurried through the House, should lose his head upon the scaffold.

Mr. *Burke* thought that when the broad axe of vengeance was so broadly displayed to their view, it might not be amiss to consider a little what was that mighty provocation which seemed to call for it? It was simply this, that if a minister advised his majesty to comply with the wishes of the other two branches of the legislature, in giving his royal assent to a measure which they thought immediately necessary for the safety of the state, he should for such offence be sentenced to the guillotine. Would it not be fair to ask where this law was to be found which would inflict a punishment of such severity? Not, surely, in the code of British criminal law, which held it meritorious in the servants of the king to keep up the best possible understanding between him and his parliament. The philosophy of France, however, was so inexhaustible in sanguinary precedents, that possibly something might be found in the proceedings of the revolutionary tribunal, which might sufficiently suit the circumstance in question. Without meaning in the smallest degree, to dispute the magnanimity of the hon. gentleman in despising newspaper attacks, and never subjecting their authors to a prosecution, he could not believe that his provocations were not such as might easily be paralleled. A man so prominent upon the theatre of politics, and who possessed, as he unquestionably did, uncommon genius and activity, must naturally expect to be drawn before the scrutinizing tribunal of a newspaper: and he was very much deceived if the hon. gentleman generally speaking, was not very mercifully dealt with. At least, he never knew a gentleman so much in the eye of the public, who had fared better from our diurnal censors. He thought it therefore, rather strange, that when he declined the invidious task of prosecuting those papers in which he was traduced, he should be so ready to confer that employment upon the attorney-general. If his advice could have any weight, he would recommend the learned gentleman not to accept of the commission lest he should draw upon himself that animadversion from which he attempted to free his neighbour. It was, he believed, frequently true, that physicians who attended at hospitals for the purpose of effecting a cure, fell victims to the infection, which had not, perhaps, so fatal an effect upon their patients. Mr. Burke then entered on the defence of the measure, which he sincerely lamented the necessity of the times had called for. He could not but feel for the constitution; and, feeling as he did, he would lend every feeble support in his power to a law, which had for its object, not tyranny, but protection. It was salutary, though apparently severe; it was withholding, for a short time, the liberty of the country to preserve it for ever. He would not quarrel with the right hon. gentleman (Mr. Fox) for words which in themselves were innocent, but he would contend on the meaning and substance, and designation of the expressions which were adopted by those societies, and applied in the manner in which they had been applied in the National Convention of France. He said, he did not like those technical terms butchery, massacre, murder, and devastation, which, by too long use, had been familiarized to the ear: neither did he like to see the poorer orders of the people drawn from their trades and employments for the purpose of forming conventions, and, under the pretext of reform, of being led on to the destruction of the state. Parliamentary reform was the pretext for all the sedition that had been sown for many years in this country. But the

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real object in view, when the actions of those men were narrowly inspected, was nothing more nor less than the usurpation, and, in the end, the plunder, of the state. This was parliamentary reform; and for this purpose, whole classes of the working people of the country were to be jacobinized!—He then proceeded to controvert the arguments of Mr. Fox, respecting the inference he had drawn from the convention of the Roman Catholics in Ireland. Whatever might have been the right hon. gentleman's motive in applying those observations, he was not such a fool as not to know they were irrelevant—for the right hon. gentleman undoubtedly was nothing less than a fool except when he chose to mask himself like the elder Brutus, and assume the disguise of ideotcy, the better to assert the liberties of his country. The Roman Catholics, after having respectfully petitioned the legislature, and experienced a treatment unmeritedly scornful, formed a meeting of delegates, to which they did not give the name of a convention. Their object, moreover, was a special and avowed one; whereas, the convention which this bill referred to, meant to erect itself into a paramount power over the constituted authorities, the inanity and inutility of which they made no scruple of declaring, it would also appear, that their projects were now in a state of maturity, and that they were preparing to furnish themselves with arms which might enable them to follow the example of France. Mr. Burke commented on the papers which the secret committee had selected for inspection, developing the whole system of sedition and of treason, which was regulated by the most unremitting attention, and proved that those societies were so formed, as to spread far and wide into every corner of the kingdom, and acquire by the correspondence it had established in all parts of Great Britain, a majority of the people, who, by becoming the admirers of the French Revolution, always held up to them as a government superior to their own, would ultimately be led to frame one of their own, upon its model; and this could not be done without the destruction of the constitution of Great Britain. He acknowledged that ministers must always owe to the people a qualified responsibility for all their public actions; and if they abused the power in confidence reposed in them, it would be a proper subject for future examination. But in the measure now proposed, supposing the extreme case of the power being abused, he contended, that it could not have any thing like the bad consequences that would result from suffering this convention to go on undisturbed in their proceedings. The Habeas Corpus was unquestionably one of our most invaluable securities; but in times of great emergency, even that must be given up temporarily with a view to the preservation of the whole. At the time of the rebellion of 1715 and 1745, many great houses were divided between the claims of the Stuarts and those of the House of Hanover. Happily, by the suspension of the Habeas Corpus act, the heads of several noble families, now the ornaments of their country, were safely locked up in the Tower, which, if in condition to take any part in the contest, their fortunes would have been confiscated, the persons themselves brought to the scaffold, and the families extinct. Possibly, the same salutary effects may arise from the adoption at present of similar precautions.

Mr. *Sheridan* said, that he did not wish for the attorney general to interpose between him and any newspaper calumnies: he alluded to a charge made against him in a treasury paper, that he had been connected with Mr. Stone, a person now committed: a charge of which ministers were aware of the foulness and falsehood.

The *Attorney-General* said, that no man regretted more than he did any calumny and abuse on private characters; but while gentlemen called upon him to prosecute libels on private characters, he begged leave to remind those gentlemen, that if they clogged his proceedings as attorney-general, by forming societies to support those under prosecution, it was not only giving an indirect encouragement but a positive assurance of support, in case of a prosecution for libels. How very difficult was it then, for him to act in such a case! It had been stated in that House, that he had proceeded with lenity which seemed to convey a reflection on the prosecutions in another part of the kingdom. If he had been able to trace the combination which appeared in the committee of which he had the honour to be a member, he most undoubtedly would have prosecuted those persons who had the audacity to publish the resolutions signed by a person of the name of Martin. In Scotland these people had appeared as delegates from those societies,

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and had acted in open defiance of the laws of the country. It was not fair to draw an inference, that because severe prosecutions were not instituted here, the prosecutions in Scotland were not founded on just and proper grounds. He was completely convinced, that the prosecutions there, were instituted on the most complete evidence. There they had thrown off that disguise which until lately they had maintained in this country. He thanked God that he had from circumstances been placed in the situation of attorney-general of England at this time, and he was certain that nothing would be done that was not consistent with the most perfect justice; but at the same time he must say, that legal forms were slow, and required time to bring persons under the judgment of the law. So great was the combination of those people who had formed the plan of subverting the constitution, that he was free to say, that upon this measure depended the salvation of our inestimable constitution, and the preservation of the happiness and liberty of this country.

The House then divided on the motion "That leave be given to bring in the bill:"

Tellers.

YEAS	Lord Mulgrave - - - Mr. Buxton - - - -	201
NOES	Mr. Grey - - - - - Mr. Sheridan - - -	39

Mr. Grey then moved, "That this House be called over upon this day fortnight." He remarked with much severity on the indecent haste with which the bill was pressed through the House. Even those who voted for the bill, he was well assured, were not aware of the extent of the measure, until they heard it proposed.

Mr. *Pitt* said, that as the bill required all possible dispatch, he would oppose the motion as calculated but for vexatious delay.

Mr. *Fox* supported the motion, and could not but notice the tone of exultation in which the chancellor of the exchequer had dwelt on a measure, which, if actually necessary, should be considered by all as a serious calamity. He dared that right hon. gentleman, he dared the whole committee, to say, that there was any such thing in this country as an armed insurrection. If there was not, he contended that the delay of one week could make no material difference as to the object in view: if that object was punishment, there must be guilt, and the present laws were fully adequate to that: if it was merely to prevent the escape of a few guilty persons from justice, it was scandalous for a single moment to surrender the liberties of the whole kingdom on such an account. He lamented that the old established laws known to the constitution had not been applied to the evil, if any existed; for it was an infamous libel on the constitution to say, that it was only able to maintain itself in times of peace and tranquillity, but must be surrendered in times of danger and difficulty. He wished to know for what length of time this suspension was to continue, or how it could possibly be necessary? At a time when we were engaged in a war upon such honourable principles, that it was approved by the whole kingdom—at a time when there was the most popular administration that ever governed in this kingdom, who had on every occasion a majority of ten to one—was it at such a time that we found it necessary to suspend the Habeas Corpus act, from the apprehension of an insurrection in the heart of the kingdom? He contended, that the pretences brought forward in support of this measure were the most flimsy and barefaced he had ever witnessed, and the measure itself the most daring and impudent. It was true, that since terror was the order of the day (to use a French mode of expression) those opinions might be awhile stifled; but they would but rankle in secret; curses would follow, "not loud but deep," and what might be the final event no man could say! After this measure should have passed, he doubted whether it would be of any utility for those who acted with him to continue their opposition in that House. This was the moment for the House to pause and deliberate, before they gave up that privilege which might decide, whether it would be worth the while of any member to attend a discussion within those walls.

"Tempus inane peto, requiem spatiumque furori."

If violences should succeed, he should feel the consolation of having done every thing in his power to avert the impending evil from his country—that, to his latest moments, would be his consolation; and he did not think in case of any disturbance, that one head in that House would be more secure than another.

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Mr. *Grey* considered the chancellors of the exchequer's haughtiness as the overflowing of an arrogant mind, swelled with the too long enjoyment of an ill-gotten power. He admired the right hon. gentleman's abilities, he had never denied them; but talents, however transcendant, when unsupported by honour or honesty, should never meet respect from him. On the subject of parliamentary reform, he should say that, notwithstanding the reflections cast on it, it was a cause he would never desert, under any change of time or circumstances, nor would he, to preserve power, or gratify idle ambition, ever become an apostate.

The House divided on Mr. Grey's motion:

Tellers.

Yeas	Mr. Grey Mr. Jekyll	32
Noes	Mr. Hobart Mr. Adams	201

After this division, strangers were excluded from the gallery. Mr. Pitt then presented the bill for the Suspension of the Habeas Corpus act, and on the question being put, that it be now read a first time, the House divided:

Tellers.

Yeas	Mr. Hyde East Mr. Sumner	197
Noes	Mr. Whitbread Mr. M. A. Taylor	33

The bill was then read the first time. On the question being put that it be read a second time, the House divided:

Tellers.

Yeas	Mr. Serjeant Watson Mr. Canning	186
Noes	Major Maitland Mr. Curwen	29

The question being proposed, that the question be now read a second time, the House divided:

Tellers.

Yeas	Mr. Burton Mr. Sagent	172
Noes	Mr. M. A. Taylor Mr. William Smith	22

The bill was then read a second time. On the question being put, that the bill be committed, the House divided:

Tellers.

Yeas	Mr. Jenkinson Mr. Anstruther	154
Noes	Major Maitland Mr. Howard	23

The question being proposed, that this House will, immediately resolve itself into a committee of the whole House, upon the said bill, and the House having continued to sit till after one o'clock on Saturday morning, an amendment was proposed to be made to the question, by leaving out the word "immediately," and inserting the words "at three of the clock in the afternoon of this day" instead thereof. And the question being put, that the word "immediately" stand past of the question, the House divided:

Tellers.

Yeas	Mr. Robert Smith Mr. Hobart	145
Noes	Major Maitland Mr. Whitbread	24

Then the main question being again proposed, that this House will, immediately, resolve itself into a committee of the whole House, upon the said bill; a motion was made, and the question being put, that the House do now adjourn; the House divided:

Tellers.

Yeas	Mr. Jekyll Colonel Tarleton	24
Noes	Mr. Wigley Mr. Hyde East	141

The question being then proposed, that the Speaker do now leave the chair, a motion was made, and the question being put that the House do now adjourn, the House divided:

Tellers.

Yeas	Major Maitland Mr. Jekyll	16
Noes	Mr. Dent Mr. Darell	130

Then the question being put, that the Speaker do now leave the chair, the House divided:

Tellers.

Yeas	Mr. Cawthorne Mr. Halhed	132
Noes	Mr. Curwen Mr. Barker Church	16

Then the House resolved itself into the said committee. After some time being spent therein, Mr. serjeant Watson reported from the committee, that they had gone through the bill, and made several amendments thereunto; which they

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had directed him to report, when the House will please to receive the same. The question being proposed, that the report be now received, an amendment was proposed to be made to the question, by leaving out the word "now," in order to add the words "at four of the clock in the afternoon of this day." And the question being put, that the word "now" stand part of the question, the House divided:

Tellers.

Yeas	Mr. Anstruther Mr. Hobart	108
Noes	Mr. Sheridan Mr. Grey	13

At half past three in the morning the Report was received and ordered to be read a third time, at three in the afternoon.

Saturday, May 17. The House having met,

Mr. *Sheridan* said, it was yesterday understood from the minister himself, that business was to begin precisely at four o'clock that day. He saw no reason why the House should wait for him, especially as he had been in the House, and had quitted it. Perhaps he was now taking a walk for his amusement: that was not however a sufficient reason for the House to wait; and as those who disapproved of the bill openly professed to wish for delay, for the purpose of affording the public an opportunity of knowing the nature of this most alarming measure, he should, without any further hesitation move, "That the House do now adjourn."

Mr. *Francis* seconded the motion, and said, that he did so for one reason, which was personal to himself, as well as for others of more importance; that not having had the smallest notice of a design to bring in so suddenly, and to carry through so rapidly, a bill of such consequence as that which was then before the House, and not having conceived it possible that such bill could be so proposed and hurried, without giving gentlemen a single day's time to consider the report of the secret committee, he had unfortunately been absent yesterday, and therefore he very much wished for a delay till Monday, on his own account. But he wished for it much more on account of the consequences which might follow to the nation if such a business were precipitately concluded. As far as his information went, the object of the measure in question was, to set aside the constitution by an act of the legislature. Those who thought that such a question was serious and important, would allow that it ought not to be carried through without due time being allowed for deliberation; and, on the other hand, he did not see how those who thought the busines of so little moment, as not to be worth their attendance at the hour which they themselves had appointed, could think it worth their while to object to the adjournment.

Mr. *Canning* thought, that the superior and important business which necessarily occupied the minister, should suggest a sufficient apology to the House for that want of punctuality, which accidently, no doubt, had occurred at the present moment, and with which, however, he could seldom be accused. The motion therefore appeared to him captious and improper, and if the hon. gentleman persisted in it, he would take the sense of the House upon the subject.

Mr. *Sheridan* replied, that he knew of no business superior to the duty of a member of parliament in that House, nor any business more important. If the hon. gentleman merely rose to prolong time by speaking, his speech was a very short one; if he intended it as an apology for the absence of the chancellor of the exchequer, it was one of the poorest he had ever heard.

Mr. *Canning* said, he did not mean that the occupation of the chancellor of the exchequer was superior to the business of that House, but superior to the occupation of any other gentleman in it; and therefore, that he was entitled to greater latitude and indulgence than any other.

Mr. *Rose* contended, that the suddenness with which the measure had been attempted to be precipitated through the House was not unprecedented, and quoted the example of 1722, when a similar proceeding was adopted. He conceived, that though the intentions and machinations alluded to in the report were known before, it was only from suspicion, and that they were destitute of the degree of proof which they now possessed.

The Earl of *Wycombe* condemned the haste with which a measure so important to the liberties of this country was attempted to be carried. So far from the people meriting the charge of disaffection which was cast on them by the report of the secret committee, he thought they deserved, on the contrary, the imputation of

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blind credulity and servile acquiescence to government. He was not, however prepared to say that they had so completely relinquished all vigilance and regard to their own interest, as to submit quietly to a measure so pre-eminent in violence and despotism.

Lord *William Russell* conceived the question not to be, whether or not traitors were to be punished, but whether or not we were longer to possess any thing like a constitution in this country; a question which would no longer be debated, if the present bill, unnecessary in its existence, and unlimited in its duration, were to be forced upon them. If the history of this country was consulted it would be found that it was no new thing in ministers to attempt to raise alarms. With respect to plots and conspiracies, the Rye House plot could scarcely have escaped gentlemen's recollection. Having such facts before his eyes, he should not be ready to charge the brave and loyal people of England with any conspiracy. The true object of the present question in his opinion was, whether, from a report on the table, made up of transcripts from newspapers, we were on the sudden impulse of the moment, to abandon our dearest rights to the caprice of a minister, without examination or deliberation.

Mr. *Yorke* said, that the question was neither more nor less than whether or not we were willing to make a temporary sacrifice to preserve that constitution, which we were all interested in preserving, by following those precedents which our ancestors, in similar predicaments, had afforded us. On the present occasion, we were proceeding with a greater degree of precaution than had been always observed; for upon one occasion, the suspension of the Habeas Corpus had been effected without the previous precaution of referring the consideration of the grounds of it to a secret committee. The committee from whom the present report came were entitled to the respect of every one, and to that report he was inclined to give the most implicit belief. Those who opposed the measure argued that we had no right to take a step of this magnitude, without some overt act done to justify so strong a measure; but he was the more anxious for its being speedily carried into execution, as he was ever of opinion, that it was more prudent to meet the evil in the first instance, than attempt, perhaps too late, to apply a remedy.

Mr. *Lambton* declared, that admitting the necessity of the present measure to be the whole question before them, he was decidedly of opinion, that ministers and their friends had totally failed in proving that necessity. In the instance of 1722, the necessity was proved by the actual existence of a plot, of which the framers were taken up, and some of them actually executed afterwards. To this point he was about to read an extract from a book, when he was called to order by sir W. Young, who considered it as contrary to the rules of the House to read the speeches of members.

The *Speaker* declared the hon. member to be perfectly in order, drawing the distinction between questioning the words of a member now of the House, whose words might be thus misrepresented, and reading the speeches of members long since dead.

Mr. *Lambton* proceeded. The then Mr. Robert Walpole, as a ground for inducing the House to suspend the Habeas Corpus, and that for a limited time only, satisfied them, that the existence of a plot to subvert the government, was actually proved. On his coming down to the House yesterday, he felt a kind of pre-determination to support the present measure, from an expectation that some proofs of a plot would be brought forward. What, then, was his disappointment to find nothing but what all the world already knew, produced, whereon to ground so strong a measure! From his infancy he had been taught to revere the Habeas Corpus act, as the great palladium of British liberty; and through life he would guard it as such. He knew nothing of the societies so much the object of attention; and in general he disapproved of their proceedings. Individuals among them no doubt might harbour the most pernicious designs; but did it follow that any danger was to be apprehended from them? Was the executive government so weak as to be unable to oppose them, without being armed with new and extraordinary powers? On the contrary, was it not well known, that without considering the great extent of power, which the present administration had been so industrious in accumulating, the influence of the crown was sufficiently adequate to all the ordinary, or even extraordinary cases, where

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it could be called into exercise? Was not all England in arms, and ready to suppress any riots which might arise. With all these safeguards then, where could this mighty danger exist, which was to justify the present extraordinary and unconstitutional exertion? In his conscience, he believed there was none; and, under that conviction, he could not agree to the proposed suspension.

Sir *W. Young* supported the measure. He said, we had to deal with men of dangerous and desperate characters, When Cicero suppressed the conspiracy of Catiline, he was obliged to step beyond the strict letter of the law. What had Mr. Robert Walpole stated in the year 1722? That there was a set of men in the country, who had formed a design of overturning the constitution; that they had agreed to go to the bank and the exchequer, and plunder them of all the money they might find in those places; and that they had held traitorous correspondence with France, from whom they solicited the assistance of 3,000 men.* The societies, whose sedition was the cause of the present measure, had no doubt been guilty of similar intentions, and it was the duty of the House to do as our ancestors had done when the constitution was threatened.

Mr. *Curwen* thought that nothing but the most urgent necessity could justify the present measure: consequently, if the minister was in possession of any facts as yet kept back, which he conceived could induce the House to give their assent, he would do well to produce them; for as yet not a shadow of necessity had been exhibited. It was also highly proper that the country at large should be allowed reasonable time to judge of the necessity; for he was convinced, if that were the case, that the House would have their table covered with petitions against the measure. If, however, it could be proved that there were any real ground to apprehend danger, and a delay made to allow men to judge of that; or if the bill, instead of unlimited duration, was to be passed as an experiment for a short period, he might be induced to give his assent

Mr. *Burton* said, that magistrates had not the power to detain persons who were suspected of being guilty of conspiracy against the state, for a period long enough to examine whether they were guilty or not. There were two or three persons now in custody on such a charge, and they might be discharged, in due course of law, before their cases could be examined, unless the Habeas Corpus act was suspended.

Mr. *Baker* expressed his regret at being under the necessity of differing from those with whom, upon other occasions, he felt it his happiness to coincide; but upon this important crisis he could not resist the conviction of the necessity of adopting the measure proposed. If it was right to be adopted at all, it ought to be adopted speedily. Delay was proposed for the purpose of consulting the sense of the country on the subject. Would gentlemen have meetings called throughout the kingdom for that purpose; or were such meetings the proper mode of deciding upon the propriety or necessity of measures, which, by the constitution of the country, were entrusted in the hands of the executive government? It had been said, that these societies were comparatively few in number, and that therefore no danger was to be apprehended from them. But would it be denied, that a few men, of dangerous aud unprincipled designs, were capable of frustrating the best intentions? and was it not owing to a few men of this very description, who had formed themselves into these societies, that they had fallen into that disrepute that we now found them labouring under?

Mr. *Milbank* thought the common law of the land quite adequate to the correction of the evils complained of, and that this extraordinary measure was consequently unnecessary.

Mr. Serjeant *Watson* was glad the question of precedents had been started, as he considered one precedent, where practice and prudence were found united, worth a hundred arguments founded on theory. The present situation of affairs would be found to justify the intended measure beyond former precedents, in two points particularly; the one, that the conspirators on former occasions were unlike the present description, men of character in other respects, independent of their particular offence; the other, that their object was not like the present, to overturn and annihilate all vestige of our constitution, but to substitute one family in the room of another, in one particular branch of the legislature. He perfectly agreed in the praises bestowed

* See Vol. 8, p. 39.

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upon our constitution; but he did not therefore agree that we should never suspend any part of the essentials of it. On the contrary, he was decidedly of opinion, that when necessity called for it, both prudence and discretion demanded that we should rather sacrifice a part for a time, than risk the loss of the whole for ever.

The question being put, That the House do now adjourn, the House divided:

Tellers.

YEAS	Mr. Sheridan - - - Mr. Grey - - - -	37
NOES	Mr. Serjeant Watson - Sir William Young -	151

The question being put, "That the said bill be now read a third time,"

Mr. *Grey* maintained that the plan mentioned in the report, was not accompanied with proof that bore the minister out in his conclusion, that the Habeas Corpus act ought to be suspended, in order to check those proceedings, and prevent the accomplishment of the object of the societies in question. He objected to this measure, because it would exempt ministers entirely from all responsibility. It would be the least of two evils, to allow ministers to act as they pleased secretly; because then, if they proceeded to violate the law, without or against evidence, they would, at least, be acting under the terror of impeachment; but here they were to be permitted to proceed without any foundation on evidence, without any responsibility whatever. The committee who framed this report, had been appointed by ballot; but the manner in which they were chosen did not deserve the name of a ballot. He differed from the committee in all their conclusions from the evidence they had reported; and he doubted whether all the evidence that ought to be before the House, was before it. The committee were either deceived themselves, or wished to deceive others; and an attempt was now made to make the House parties to the imposture. Much stress had been laid upon precedent. Now, he confessed, that precedent had little or no weight with him, against principle; but he maintained that the reason of the thing, even according to precedent, was against the present measure. He then proceeded to take a view of all the precedents, and maintained that every one of them was founded upon much better evidence than the present measure had for its foundation. It had, in the course of the debate on this alarming measure, been said, that it was highly improper to appeal to the public for their sentiments upon it. This was not very consistent with the conduct of the minister on former occasions. Had the House forgotten (the public had not), how the minister conducted himself on the affair of the armament against Russia? He had carried his measure, on that occasion, with a triumphant majority through parliament, but when he found the public voice was decidedly against it, he had, as it had been emphatically said, "dragged his parliamentary majorities through the dirt," and relinquished his object, because he found the people were against him. What was the conduct of the minister in the year 1782, when his pretended sincerity for a parliamentary reform had been defeated in that House, by a motion for the order of the day? He had abandoned it for ever. William Pitt, the reformer of that day, was William Pitt the prosecutor, aye, and persecutor too, of reformers now. He who thought it fit to inflame the passions of the people, and to instigate them to a contempt for the House of Commons then, would not now allow the people to judge of their own rights and dearest interests, but persecuted with the real bitterness of an apostate his own partner in the question of parliamentary reform. He had that very day been examining as a prisoner John Horne Tooke, for persevering in his sentiments. This same William Pitt, who had once taught the public to believe, that nothing honest was to be expected from the House of Commons, and that the people should do every thing for themselves, now insisted that the people should do nothing for themselves, but should submit implicitly to the House of Commons the right even of their personal freedom. What was the natural inference from all this? Why, that this famous reformer only wanted to obtain the confidence of the people, in order to betray their interests and sacrifice their rights. What were these acts of which such complaints were made in the report of the committee of secresy? Nothing more than a set of people had expressed a determination to pursue, by legal means, the object of parliamentary reform. He knew nothing of any of these societies, except from report: he was not a member of either of them; he

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had even disapproved of some of their plans: but this was not a time for him, on account of some difference of opinion upon speculative points, to abandon them to the fury of their apostate foe. There might be imprudence in some of their measures; there might be among them men of desperate fortunes and sinister purposes; but if any evils had arisen from the doctrine of applying to the people, instead of applying to parliament, the chancellor of the exchequer had been the chief cause of that evil. What was the object of these people? "Their ostensible object," said the minister, "is parliamentary reform; but their real object is the destruction of the government of the country." How was that explained? "By the resolutions," said the minister, "of these persons themselves; for they do not talk of applying to parliament, but of applying to the people for the purpose of obtaining a parliamentary reform." If this language be criminal, said Mr. Grey, I am one of the greatest criminals. I say, that from the House of Commons I have no hope of a parliamentary reform; that I have no hope of a reform, but from the people themselves; that this House will never reform itself, or destroy the corruption by which it is supported, by any other means than those of the resolutions of the people, acting on the prudence of this House, and on which the people ought to resolve. This they can only do by meeting in bodies. This was the language of the minister in 1782; but I do not know what his sentiments are now; for who can know the sentiments of an apostate, who has no rule for his guidance but his own conscience? These were the sentiments of the duke of Richmond at that time; but he accompanied these sentiments with a plan, precisely what these societies now recommend, universal suffrage, and annual parliaments. What, then, have these persons done, more than the chancellor of the exchequer and the duke of Richmond? And what has been discovered by examining the fine velvet bag which the minister brought into the House in so solemn a manner? Nothing, but what every body knew twelve years ago, and what these societies thought fit to reprint and publish in 1794. It is for this that the Habeas Corpus act is to be suspended, and the personal liberty of every individual in the kingdom is to be in the hands of the king's minister.—In cases of extraordinary emergency, the Habeas Corpus act might be suspended; but here was not sufficient cause made out for the purpose. He did not pretend to be learned in the law; but he always understood, that nothing but overt acts were legal evidence of intention. Now he wished to know, by what construction of law or common sense it was, that we were to conclude that men intended what they did not profess? That when they said they meant to obtain a parliamentary reform by constitutional means, they intended to pull down the constitution by force? The law afforded the means of punishing those who acted unjustly, and that was sufficient in this case. He was sure that if this measure was submitted to the people at large, they would express their abhorrence of it in such a manner, that it would be impossible to pass it even through that House. But supposing, merely for the sake of argument, that these societies were dangerous, was this convention, so much talked of, likely to assemble so soon, that government would be unable to prevent that danger? Nothing like it; but the real reason for this dispatch was, the conviction of the minister, that if he did not pass it by stealth, the public would not suffer it to pass at all. He was induced to say this, because if observations of this kind were not made, and the public attention was not called to this business, a blow might soon be given, that would destroy our liberties for ever. This measure was part of that system of alarm which had been adopted to keep the public from seeing their real situation. He had no doubt, that when this business came to be properly examined by the public, the deception would be discovered, and those who endeavoured to expose it now, by opposing the present bill, would be thanked by that public for their exertions. Perhaps the minister had another trick to play. If he should dissolve parliament soon after this, he might possibly derive some advantage for a time. He did not know whether this was his intention or not. It might be the remaining trick he had to play; but he believed it would be the last. Be that as it might, he had done his duty in opposing this bill, and he was confident he had laid down sufficient ground for rejecting it. As a contrast to the present bill, and the manner by which it was attempted to be passed, he desired that the proceedings on the Journals of the 6th, 7th, 10th, 13th, 14th, and 17th

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of February, 1777, might be read;* which being done,

Mr. *Canning* observed, that the precedents adduced by the hon. gentleman referred to cases which bore no analogy whatever to the present question in debate. It was curious to remark how gentlemen shifted their ground, and passed over those precedents which were against their arguments. In the precedent of 1722, ministers had not an ample support in favour of their measure, for then there was only a message from the crown, but at present the message was followed up by a secret committee, whose report evinced the necessity there was for the suspension of the Habeas Corpus act. Good God! he exclaimed, how could gentlemen oppose a measure that, at the present crisis, was so obviously necessary? What! was the House to be told that these societies had no correspondence with foreign enemies, whose object was to subvert and overturn the constitution? It had been stated, that during the administration of Mr. Robert Walpole, the period from Christmas to May was given for members to study the subject. And it had been objected, that though ministers were in possession of their present information at the beginning of the session, they did not think proper to bring forward any proposition on the message till now. What had been said of the precedent of 1777, so far from being in point, was diametrically opposite to the present subject. That precedent differed from the present instance in this, that it had for its object the preventing a congress in America; whereas, this bill was designed to hinder one from assembling in Great Britain. He insisted, that extraordinary measures required extraordinary powers for their suppression. When precedents made for gentlemen opposite, they were enforced with the utmost pertinacity; but when they made against them, they were scouted and reviled. Thus it was during the war; if our troops, or allies, obtained a victory, it was immediately said, that this was no uncommon case, and was a thing that even the enemy expected; but if any failure happened, it was magnified immediately into a defeat, and the measures of government, and the conduct of our commanders, were immediately reviled. He was willing, he said, to grant them either argument; but he did not think it candid or fair, that to serve their own purposes, they should prey upon both.—He would not, he said, argue as to the proof of the danger that induced ministers to suspend the Habeas Corpus act, the report of the secret committee justified the measure; and he was willing, for his part, to take the word of government. It had been observed, that if time were given, petitions would crowd in from all parts of the country, and cover the table of the House; and it had also been remarked by a learned serjeant, that such petitions would not flow from the people legally assembled, but from those very persons whose conduct induced the measure now submitted to the House. But he was not to be intimidated by petitions from any quarter, so long as he felt convinced that he was acting for the benefit of his country. As long as he exercised the authority delegated to him, in a manner consistent with the dictates of his conscience, he was not to be biassed by any instructions, let them flow from whatever quarter they might. He then adverted to the conduct of Mr. Pitt respecting parliamentary reform. What he himself thought on that subject, signified but little to the question in debate. He, however, entertained the same opinions with his right hon. friend; and agreed with him, that though such a reform might be not improper for discussion in time of peace, yet it was a proposition that ought not to be agitated in times of tumult and storm. This was not a period when gentlemen should take a partial view of the subject: they should not look to a part, but the whole. The observations which had been made on the supposed political apostacy of his right hon. friend, had no relation to the question in debate, and were in themselves so weak and futile as to be hardly worth notice; though, perhaps, it would become him to consider the advantages which would result from this measure, contrasted with the evils which might arise from the loudly threatened secession of the hon. gentlemen and his associates. He had no hesitation to declare, that if the chancellor of the exchequer should hereafter return to his former opinion, it was probable that he might again agree with him. If ministers proceeded in this business, they were threatened with the vengeance of the people, and parliament was menaced with a diminution of its numbers; but he did not perceive the direful

* See Vol. 19, p. 3.

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consequences that would result to the country if such threats were carried into execution. He was of opinion, that any such secession would be counterbalanced by the good that must arise to the nation from carrying into effect the judicious measure submitted to the consideration of the House. With regard to the people, he had a better opinion of their good sense, than those who supposed that they could not distinguish their friends; they had been put to the proof by the public subscriptions proposed by ministers; and however that measure might have been decried, it was found that their pulse beat in perfect unison with that of government. Mr. Canning concluded by observing that however he with his friend, might be threatened with secessions in that House, and disturbances abroad, they would never be brought to consider themselves as the ambassadors from foreign states; but should continue to know and feel their own dignity, and wait for the subsequent approbation of the people.

Mr. *Courtenay* complimented Mr. Canning on the brilliant display of abilities he had again exhibited, and congratulated the chancellor of the exchequer on having procured such an able and honourable apologist. What could be more ingenuous than the defence of his hon. friend. "Certainly," says he, "my friend is an apostate, but then I am an apostate too; —certainly," says he, with equal truth and ingenuousness, "he has apparently incurred some disgrace by receding from his former principles, and deserting his former professions—but have not I done the same? and I now plainly and unequivocally assert, that if ever my right hon. friend returns to his former opinions, I will re-assume mine." Can any thing be more ingenuous than this defence? Can any thing be more characteristical—can any thing show a more implicit and devoted attachment? But veering, whiffling, shifting characters,—that adopt the whim, caprice, morals, or principles of their patrons, have not been unobserved, either by politicians or poets: Pope for instance, describes such a character accurately;

"Like some vile straw, that's whirl'd by ev'ry blast,
"And carry'd off in some dog's tail at last."

The present bill was neither founded on justice, policy, or reason. It was calculated to spread a false alarm among the people; to destroy all social intercourse between man and man; and to make terror and oppression the main engines of the British government. He was surprised how ministers could have the effrontery to adopt measures which they so much reprobated in a neighbouring country; for certainly the same arbitrary measures had been adopted by Barrere and Robespierre, who, when they saw their power and authority diminishing, instantly fabricated a plot, which they submitted to a respectable committee of safety, perhaps impartially chosen by ballot; before whose absolute authority the victims of their dislike or disapprobation were immediately sacrificed.—So far the chancellor of the exchequer precisely followed their example. At former periods, when the Habeas Corpus act, has been suspended, the danger was apparent and imminent. In the reign of king William, when the people exercised that sovereignty still vested in a free people, to depose one king, and choose another,—when bigots and zealots preached up passive obedience and non-resistance, and "the right of kings divine to govern wrong," and on this base and degrading motive still adhered to the abdicated prince—when James was assisted by the most powerful and ambitious monarch in Europe—at such a period, not to have suspended the Habeas Corpus act would have endangered the rights and liberties of the people, and have been the extreme of political folly. In the reigns of George 1st and 2nd, when two rebellions shook the House of Brunswick on the throne, and half the gentry of England were inveterate Jacobites and Tories, the legislature were actuated by the same necessity, and acted on the same principle. In the late American war, the Habeas Corpus act was again suspended. But at that time the Americans were repeatedly termed rebels, by the votes and acts of both Houses of parliament, and a considerable number in this country openly avowed their approbation of the spirited and noble exertions of our colonies to vindicate and assert their rights and privileges by the sword: yet, even at that period, a clause was inserted in the bill, by which the efficacy of the Habeas Corpus act was still preserved, and Englishmen were still permitted to enjoy that invaluable blessing. But under what circumstances was the present bill introduced? An impartial and secret committee of alarmists was chosen by ballot, and the names of the members were known before the elec-

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tion is made—as individuals, many of them distinguished by their virtues and talents, but all actuated by the same spirit of alarm, and influenced, perhaps, by the art of those whose aim and interest it was to deceive and terrify the people, by plots and conspiracies, which did not even exist in their own imagination. This committee of safety, after several days of deep and sagacious investigation, had produced a wonderful report;—plainly evincing to the whole kingdom, that a few obscure individuals had met at sundry alehouses in the metropolis and elsewhere, and, over a pipe and a pot of porter, had planned a most dangerous conspiracy to overturn the constitution in church and state, by wickedly and maliciously devising and promoting a reform in parliament. But the plot should be marked on the Journals of the House, as almanac-makers sometimes marked an eclipse of the sun, on such a day "invisible." The celebrated author of the Spirit of Laws, amidst the noblest eulogium on this palladium of our liberties, the pride and boast of Britons, doubts, whether, on any emergency, it should ever be suspended. Englishmen should disdain to hold their rights and franchises by any other security than the laws and constitution of their country. On this principle, he should give every possible opposition to a bill vesting an arbitrary power in the Crown, and introduced by men, for whom, as ministers, he had the utmost contempt.

Mr. Secretary *Dundas* said:—The immediate question before the House has been chiefly argued on the ground of precedent, and it has been contended, that no instance can be produced in our history in which the Habeas Corpus act has been suspended in circumstances exactly similar to the present. It certainly is exceedingly difficult to find any two situations in which all the circumstances are exactly similar. But if we rest the question on the general ground of precedent, what do we find? In the present instance it is asserted, that the suspension of the Habeas Corpus act is tantamount to a complete subversion of our free constitution, and an introduction of a system of despotism. Do the gentlemen opposite forget, that since the Revolution the Habeas Corpus act has been no less than nine times suspended, and that these suspensions have taken place during the best times, and under the best administrations? These suspensions have been introduced not for the subversion of the constitution, but for its security. All the various parliaments who sat during the different periods, have concurred in adopting them, without conceiving that they thereby overturned the constitution. Without, therefore, any reference to particular periods, have we not a right to contend, that no such idea was attached to the suspension of the Habeas Corpus act? It was suspended no fewer than nine times; and has any historian ever asserted, that the consequence was found to be injurious to the constitution? On the contrary, have not the liberties of the subject, existed in full force subsequently to these suspensions? With respect to the danger being greater at the time of those precedents, than what we have to apprehend in the present moment, I declare that, whether I look to the year 1715 or 1745, or to any other period of suspension, I would much rather meet the force of a foreign enemy or an open rebellion, than have to counteract the secret poison of domestic incendiaries. Taking, therefore, the question upon the general ground of precedent, we shall find the experience of facts, and the uniform testimony of history, to be in our favour. It has been argued, that the men against whom this measure is taken, are men of no property, no rank, or estimation in life, and therefore not worthy of notice. But let us look to what is the case in a neighbouring country. What description of men are there found to be now placed at the helm of affairs. Are they those who formerly possessed rank, property, and estimation? and will it be contended from their example, that such only can be dangerous to a state? On the contrary, will not a very different conclusion be formed, and the necessity be perceived, of crushing the beginning of mischief, however obscure the quarter from which it originates? The report lays before the House the simple fact that evinces the necessity of the present measure. What is their language? It is conveyed in one resolution—that the country ought to persevere in the measures for a reform, whether with or without the concurrence of parliament. And how was this sentiment to be followed up? They had actually determined on calling a convention, for the purpose of settling a plan of reform, on the principle of universal suffrage and annual parliaments. Can such a convention exist in this country, without directly striking at the root of the

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constitution, and undermining the authority of the three branches of the legislature? Such a convention, if allowed to be followed up, has a direct tendency to introduce that system of anarchy and confusion, with all their attendant evils, of which a neighbouring country has afforded so fatal an example.—I have no hesitation in declaring my opinion, that a convention for the purpose of obtaining universal suffrage and annual parliaments, must have been subversive of the constitution, and followed by a system of anarchy and confusion. But here I am told, that the same objects were formerly supported by my right hon. friend (Mr. Pitt). On what occasion did he appear as the advocate of universal suffrage and of annual parliaments? On the contrary, his opinion was always in direct opposition to these measures, and he even brought forward a distinct proposition, in which he disclaimed that he had any such intentions in view. But here the hon. gentlemen resort to the duke of Richmond, whose authority they are always so fond of quoting whenever it is in their favour, however little deference they may pay to his general opinions, or whatever want of delicacy they may show in their attacks upon his public character. If his grace was a friend to such a measure at one time, it only proves that a very wise man may entertain a very foolish notion. The great objection to the proposition of universal suffrage is, that it is entirely impracticable. Gentlemen may indulge in theoretic plans of reform in their closets, even while they are sensible that they cannot be carried into effect. From such speculations they may derive amusement, but it is not therefore to be supposed that they would at all events risk the hazard of attempting to introduce them into practice. Will the duke of Richmond, or any man who wishes well to the country, bring forward such a proposition as that of universal suffrage or annual parliaments, at a moment when it may lead to all those fatal consequences which have been exemplified in a neighbouring country? I do not wish to consider as serious an expression of an hon. gentleman (Mr. Grey), because I am convinced that it was uttered in the heat of debate; that rather than have no reform, he would adopt the plan of universal suffrage. That hon. member has chosen to style my right hon. friend an apostate. I would ask that hon. member, who belongs to a society (the Friends of the People) associated for the purpose of obtaining parliamentary reform, under what description his own conduct comes? Why has he not renewed in the present session the motion which he brought forward last year for a parliamentary reform? He has deferred it from a prudent regard to circumstances, times, and occasions. But does he not recollect, that when he last brought it forward, it was recommended to him to weigh the temper of the times? Does he not recollect that he was then told, that the question would soon get into other hands than his own? The prophecy is now fulfilled. The question has indeed got into other hands. Can that hon. gentleman, with all the high professions with which he then came forward, and the contempt which he expressed for those who had formerly undertaken and abandoned the cause, state that he is any longer a leader in that business? Let him recollect what he was formerly told upon moving the question, how much easier it is to agitate a question of difficulty than to regulate the discussion, and how little it is in the power of any individual, however respectable from his situation, or however upright in his intentions, to "ride in the whirlwind and direct the storm." The question has now come to others, who differ as much from the hon. gentleman, with respect to principles, as he then did with us with respect to the propriety of the measure or the expediency of bringing forward the discussion.

Mr. *Sheridan* said, that the arguments which he had heard that night, were totally irrelevant to the question, unless it was to be stated, that a convention for the purpose of effecting a parliamentary reform, was an attempt little short of high treason. Of the nine precedents which the right hon. gentleman had mentioned, not one was similar to the present case. If the constitution did survive former suspensions, it could not be shown that it would survive the present. It was not at all wonderful, that after a revolution, such as that in 1688, there should have been many disaffected persons in the country, and that they should have afterwards broken out into open rebellion; and under such circumstances it was policy to put extraordinary powers in the hands of the sovereign. The right hon. secretary had said, that he would rather meet an open enemy, or a rebellion, than

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the secret poison, the sculking measures which these societies had propagated and carried on. But was it proved that any such measures did exist? No such thing. The societies bore no such feature. And if they did, theirs was a very extraordinary conspiracy; for it was a conspiracy carried on in the presence of every body. It was an open, garrulous, and stalking conspiracy. The conspirators met in gardens, fields, and in public houses; they announced, and even aggravated their purposes. Every document relative to their redoubted conspiracy had been published long before the report of the secret committee. The measures now adopted were infinitely more likely to produce a real conspiracy; they did not go to declare a meeting for the purpose of promoting a parliamentary reform to be illegal; the same measures would of course be followed; but in a different manner. The remedy was not suited to the disease; it was not even stated as yet whether a convention for that purpose was criminal.—The right hon. secretary had censured the idea of universal suffrage as impracticable; but that was merely a matter of opinion. It was not yet asserted, that the maintaining of this theory could be construed into actual guilt. Would ministers propose to imprison and detain all those who entertained such an opinion? If so, it was a severity which must fail of its object. The ministers should be aware of this failure, from a review of their past conduct. They had evinced a jealousy of parliamentary reform ever since the first appearance of the French revolution. But even from their own declarations it appeared, that the result of their measures had been uniformly against their purpose. The proclamation, which was their first measure, was avowedly more directed against the "Friends of the People" than against any of these seditious societies. Yet that proclamation had produced nothing but tumult and insurrection. Their next measure was the spreading abroad an host of spies and informers. These had only served to increase the general turbulence. Their last measure was a severe system of prosecutions, and the result of these was, according to their own statement, "that a great part of the nation was now actually in a state of rebellion!" In his own conviction, however, none of these dangers had any actual existence. The report of the committee was merely a political artifice. That committee was composed of men in part deceiving, and in part deceived. It was equally suspicious from its manner and its precipitancy. It went to surprise parliament into the strongest of all possible measures, from documents there adduced as novelties, but of which every man was previously in possession. Ministers were long since in possession of every fact relative to these societies. They had long ago heard of their having had serjeants to drill them in back rooms, of their having been mustered at the Cat and Magpye and the Black Dragon; and the only reason why they did not proceed on these informations was, that they knew they were all false. But on the committal of Mr. Stone all these fictions were revived; though if there were any plot, those two plots must be separate and distinct, as Mr. Stone, most certainly had nothing to do with these societies.—The conclusion of the report stated, that arms had been distributed to some of those societies. It was not stated whether those arms had been received from Sheffield, or whether each man, dreading the excesses of a church and king mob, had determined to provide his house with a musquet. No evidence of this kind was furnished, and, in fact, it was an utter impossibility that such a distribution of arms as was there suggested, could have been formed without the knowledge of ministers.—The early industry of the press had been exercised in an uncommon degree, to second the management which had distinguished the bringing forth of the report. He held now a hand-bill, under the following curious title: "The Downfall of Jacobinism, or the Plot Discovered; to which is added, the glorious successes of the duke of York, being an extract from the late extraordinary gazettes." This curious combination, however absurd it might seem, was a proof of the diligence which had been employed to excite and spread the general alarm. But he would appeal to gentlemen, whether, under all these circumstances, they did not expect a full discovery of some serious and pressing danger? In the course of last year, they had been told, that the system of prosecutions, and the associations of Mr. Reeves, "which did him such immortal honour," had totally changed the public mind. In the king's speech, at the close

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of the last session, they were told, that the attempts against the constitution were completely checked. On the opening of this session, his majesty was again made to rejoice, that the "steady loyalty" of his subjects had defeated every such attempt. Since that time, the hands of government had been strengthened by the Alien bill, the Traitorous Correspondence bill, the new levies, &c. &c. yet the House was now called upon to declare, that his majesty had been completely mistaken, that all those efforts had failed, and that nothing would preserve the existing government, unless it was invested with the undefined exercise of an arbitrary power.—But it was asked why the opposition would not take the word of the secret committee, for the existing danger? He would answer, because it was not asked. The report was made in such a way as to take from the committee and from the minister every share of responsibility. They had laid their proceedings before the House, and if the Commons chose to act upon these the ministers were not responsible. Such a power, obtained in such a manner, he was not willing to sanction. It was asked on a light and frivolous pretence; there was, therefore, every reason to apprehend that it would be exercised on pretences equally frivolous. The sentiments of those societies he looked on as springing from the seeds first sown by Mr. Pitt, Mr. Burke, and the duke of Richmond. It was ungenerous in them first to instil the principles, and afterwards to treat their proselytes with rigour. Such conduct could only tend to inflame the mind of the country, and to fill it with contempt for all public men. He then proceeded to prove, that these gentlemen were the authors of the present fermentation in favour of a parliamentary reform, by citing parallel passages from the papers, called seditious, on the table, and the letters of Mr. Burke to his constituents at Bristol; the duke of Richmond's letters to colonel Sharman, &c. He inferred that the former, though expressed in less elegant language, conveyed no one leading idea, which was not obviously borrowed from the latter. —He then proceeded to inquire, whether, if a convention was stated to be held for the purpose of parliamentary reform, the delegates were to be taken up, and imprisoned during his majesty's pleasure? In that case, the gaols would be filled with men whose criminality was not defined, and such measures could never accomplish their purpose. If this bill, therefore, was to be obtruded on the public, it would be wise in him and his friends never to set foot in that House again. He had been asked, on a former night, what loss would it be if his hon. friend (Mr. Grey) should put his threat in execution of leaving that House? He would answer, that it would be a great mischief to the country, to lose a gentleman of such great talents, and it would tend to lesson the character of parliament in the public mind. To show that such would be the case, he related a circumstance of a man who was asked to vote at the election for Westminster: "I would not vote," said this man, "for Mr. Fox before, because he was then secretary of state; but I will give him my vote now, because I think he acts like an honest man." Such was the opinion which people were apt to form of the opposition: and if the present bill was to be passed into a law, neither he nor his friends would deem it any longer prudent to attend that House.

Mr. *Windham* could not avoid remarking, that, with the exception of the hon. gentleman who spoke last, though much has been said in the course of the debate, yet all that had any application to the subject in question, might be comprised within a nut shell: so that, if measured by the extent of time already employed, the progress in the debate might be thought considerable; but if by the ground they had gained it would be reduced to nothing. Laying aside those powers of discrimination which gentlemen, were, at other times, so very happy in displaying, they would not now admit of any difference between the convention alluded to by those societies, and those harmless conventions which had been formed for the purpose of obtaining a parliamentary reform. For his part, he was surprised how men of sense could so far attempt to impose upon themselves and others, as to allege that the words parliamentary reform, were used by the seditious societies for any other purpose than as a mark for their real intention of a total annihilation of all property, constitution, and religion. It was perfectly puerile to impute to them innocent intentions; for taking the whole chain and tenor of their proceedings and resolutions, it was plain as the sun that what they meant by reform was, the

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wildest anarchy, and resembled those sweeping amendments not unusual in that House, for leaving out every thing except the word "That." The gentlemen on the other side, against what he deemed the most infallible evidence, still affected to think that there was no danger, or if there was danger, that lenity and not severity was the means by which it was to be averted. He was of a different opinion; and finding every thing at stake, would if necessary, give up any thing in order to protect us from the most dreadful of all calamities. If this bill should not be sufficient to defeat any treasonable designs, he was ready and willing to entrust government with still more ample power. But it had been asked, "Seeing that these societies published some time back a part of those intentions that now alarm you, why did you not then resort to the same measures which you wish to employ at present?" The answer was very simple. Though there were no means which he would not use for the suppression of these principles yet it was not always prudent to put the strongest means foremost, and resort, in the first instance, to that which had better be reserved for cases of necessity. By proclamations, by calling out the militia, and by encouraging voluntary associations, &c. the government might have rationally concluded, that enough had been done to crush this dangerous spirit. These means undoubtedly had a considerable effect, and had retarded that maturity at which seditious projects were lately arriving; but finding notwithstanding all these checks, that they were making head with redoubled diligence, it was proper to meet them with means fully adequate to their suppression. It was a fallacy to suppose, that whatever effect democratic principles might have in France there was any chance of their being innocent in England, where the people live under a free government, and had no such grievances as those experienced by the French under the ancient despotism. In fact the freedom of our government gave the greater latitude for the introduction of those new principles, which did not apply so much to any political complaints as immediately to direct the lower ranks of people to exchange conditions with the rich. Wherever there was society, there must of course be property, and where there was property, there must also be a necessary distinction of ranks. But as the people of no property must ever constitute the majority and the physical strength of a state, all principles which tended to induce that majority to plunder and oppress the minority, must be equally dangerous to all governments, whether tyrannical or free. It would be a system to the full as destructive to the free states of America as to the most despotic governments that ever appeared upon the face of the earth. He had therefore, no confidence in the strength of the English government to sustain itself against the unrestrained propagation of such a system. We had already ocular demonstration of its deleterious qualities, and he would no more trust to it than he would to any particular human constitution to resist a dose of poison. After a poison had been found to operate fatally upon six or seven persons, it might be very easy to speculate upon the causes. "Oh!" it might be said, "such a man died of it because he was young, and another because he was old; a second died of it because he was black, or a third because he was fair; a fourth because he was fat, or a fifth because he happened to be lean; a sixth because he wore a wig; a seventh because he wore his own hair—but here is a man who is not exactly in the situation of any of the former. Let us see whether his constitution may not enable him to resist the poison." The answer of any reasonable man would be —"No! I have seen enough of its fatal effects, and will not consent to try any more such hazardous experiments." It was become of late a very fashionable practice to accuse ministers of jacobin imitations, and to apply to the reports of committees and other proceedings, the same epithets that were justly bestowed upon the French convention and their committees. Their warmth would not allow gentlemen to consider, that in all human transactions there was something in common which could not be quite divested of similitude. If Barrere asserted that two and two made four, and he held the same opinion, he was not therefore any more to be accounted a Jacobin, than captain Fluellan's hero was, to be confounded with Alexander the Great, because "there is a river in Macedon, and there is a river in Wales—and there is salmon in both." If we are to be called a credulous or imposing committee, may we not with equal justice complain of a credulous or imposing opposition? If we

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are stigmatized as a committee of public safety, shall not they be arraigned as a committee of Jacobins? If they accuse us of forwarding the usurpations of despotism, may not we retort that they are advancing the strides of desolating anarchy? There was, however, in the report of the committee, sufficient concurring evidence to prove the treasonable designs of the societies alluded to, in a manner sufficiently convincing to those who did not resolve upon being incredulous. He did not apprehend the evil from the adoption of this measure, with which gentlemen seemed to be so much alarmed. The suspension of the Habeas Corpus act had no terrors in his mind; it was a measure which had been frequently adopted in the best times of this country, and had never that he recollected, been attended with any very evil consequences. The question now fairly for the discussion of the House was, whether they were willing rather to submit to the inconveniences that may possibly arise from the suspension of the Habeas Corpus act, or to the danger and calamity of the introduction of French principles and practices, so justly to be apprehended from those societies, if suffered to proceed with impunity? These were much more seriously to be apprehended than that any degree of violence would be exercised during the suspension of the Habeas Corpus act. Those societies, he contended, acted upon a general principle of depression, and envied every man in the country, who happened to be elevated above them, by circumstances either of rank, or fortune. That there must be always a relative depression in all countries, it was impossible to deny; and frequently the most numerous part of the community were its objects: These people, the leaders of those societies used every endeavour to influence, and draw from the strict line of their duty, by misrepresentation and false arguments; he therefore thought them highly dangerous as the great mass of the people who composed the physical strength of the state were of this description, and were more likely to be seduced from the right line of duty. On these several grounds he considered the bill to be unexceptionable.

Lord *George Cavendish* did not approve of the societies that had been the subject of debate, however laudable their original institution might have been. But if he really thought a conspiracy existed of which any apprehension could be entertained, he should feel it his duty to give his aid in bringing such men to light, and to support the executive power, though at the same time it must hurt his feelings, in the highest degree, to differ with them with whom he had been so long accustomed to act, and for whom he entertained the highest public esteem united with the most sincere private attachment; but on the present occasion he could not perceive the same ground of alarm with the hon. member who spoke last; nor could he conceive the smallest necessity for the present measure, as, in his opinion, the law at present existing was sufficiently strong to restrain the evils of which they complained. He thought it necessary therefore to resist, as far as in his power, any surrender of the liberty of his fellow subjects, by opposing the present bill.

Mr. *Drake* entered into a panegyric on the valour displayed in the war, and expressed his detestation of the demoniac proceedings in France. He said, that the present question was, whether the British constitution was to exist or not; and concluded with some warm encomiums on the present necessary measure.

Mr. *Fox* said, that he should not have troubled the House with any farther observations on the subject of the present bill, after having given his opinion so fully upon it the night before, but for the very extraordinary topics which had been introduced by his right hon. friend (Mr. Windham). If he had expressed himself warmly on the subject of that bill, he begged leave to say, after the most mature reflection, that he did not repent of such warmth. He desired to be considered as repeating and confirming every assertion. It was a bill characteristic of the worst times, and which he feared, predicted much calamity to the country. We were hurrying into that most dangerous and alarming predicament, which would produce either the horrors of anarchy and confusion on the one side, or that despotism of monarchy, which Mr. Hume called "the euthanasia of the British constitution" on the other; in either of which cases he saw the complete extinction of liberty; and he dreaded to think what must be the shocking alternative which he, and others who loved the true principles of the constitution, must be reduced to in the impending struggle. The bill was characteristic of those violent times, when, instead of being guided by reason, we were to be

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put under the dominion of wild passion, and when our pretended alarms were to be made the pretexts for destroying the first principles of the very system which we affected to revere. Every warm expression, therefore, which he had used the night before, he now upon reflection justified and repeated; and even yet, while a moment was left him, he deprecated the horror of passing the bill into a law.—He would pass over all the lesser topics of the speech of his right hon. friend, in order to come to that most portentous part of it, which had made an impression upon his mind never to be effaced, and which foretold the destruction of the British constitution. It was an argument, upon which if the present measure was really founded, that he hoped would even yet make the House pause before they proceeded farther. His right hon. friend had said, that to the existing evil of the jacobinical doctrines, remedies ought to be applied in gradation. From mild remedies he would proceed to remedies less mild, from less mild to severe, and through all the degrees of severity. What by this argument was he to think of the present measure, but that it was only one step in his ladder, and that if that should fail of producing its effect, he had still remedies more severe in reserve. The right hon. gentleman had tried already his gentle remedies; the alien bill was an anodyne, the treasonable correspondence bill was also a gentle medicine; and as these remedies had failed of producing the proper effect, nay, as by the king's speech it was said, that, notwithstanding these measures, the evil still existed with increased malignity he was about to try this severer remedy; with the declared intention that if this should also fail, he had still more violent measures to pursue. When the experiment should have been made, and proved, like all the former, to have failed of producing the effects expected from it, he desired to know what must be the answer to this question, if, next year, enough of the constitution should remain to enable him to put a question to the right hon. gentleman in his place—what would be done beyond this? After suspending the Habeas Corpus act, what would he do more? Would he prohibit all meetings of the people so as to debar them from all discussions on political subjects, and prevent all free intercourse between man and man? And when this should be found ineffectual, would he give to ministers the power of making arbitrary imprisonment perpetual? Would he still farther go on in the exact and horrid imitation of the men who now held France in anarchy, and establish a revolutionary tribunal, or what perhaps, he would call an anti-revolutionary tribunal Where would he stop? What limit did he propose to make? Was there no end to his plan of securities, until he should accomplish the end of annihilating all doctrines that he might affect to dread, or destroy all the disaffected spirits which he might pretend existed in the country? It was of consequence to the House to see what they were doing. They were told that what they had done was not enough; and that even this might not be enough. Good God! what was to be done after this? Under the colour of pretended alarms, were they to go on to an unlimited infringement and demolition of all the strongest and most beautiful parts of the constitution? The right hon. gentleman was offended at the comparison that had been made between the conduct of ministers and their adherents, and the conduct of the present rulers in France, and he had with great felicity quoted from captain Fluellan, the comparison between the river in Macedon and the river in Monmouth, because there was salmon in both. But with all respect for his wit, the right hon. gentleman must be content to incur the imputation of similarity, when his own conduct and that of the rulers of France was so similar. They had taken great pains to throw odium on the pretended designs of a convention, on account of the word convention. Let gentlemen look at their own conduct, and see if it was not in substance the same as that of the present rulers in France. What was the conduct of those rulers? From day to day they circulated stories of alarms, and plots and conspiracies, and insurrections among the people, to inflame and agitate their minds, and to spread panic and terror over the whole country, that they might take advantage of their fears, and obtain unlimited power, to be exercised in carrying on and confirming that very terror. They inspired the double alarm of danger from conspiracy, and danger from the exercise of their own unlimited power, exerted as it every day was, in the most shocking murders, with hardly the aspect or form of judicial trial. What was the conduct of the ministers here? Precisely in the same manner they circulated stories of alarms and conspiracies, to fill the public

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mind with fear, and, to use the jargon of the French, to make terror the order of the day. By spreading these false and idle alarms, they succeeded in obtaining powers destructive of the constitution, which, as in France, were to be exercised with such inhuman rigour, as to keep the country in double awe, and, by fostering indignation and discontent, give rise again to new jealousies, which would afford occasion for still farther stretches of power. Thus they followed the example set them by the men whose doctrines they pretended to abhor, with the most shocking fidelity. Every part of their conduct was built on the French model, and he dreaded that it would be productive too certainly of the same effects. The precise question for the House was, to compare the danger with the remedy. The pretended danger was, as we might collect from the documents that had been laid upon the table—documents that every one had seen published in the newspapers—that there was in certain societies a tendency to a convention. Whether the word convention was a bugbear that was to be held up to terrify their imaginations, he knew not, but it was of consequence to inquire a little into the nature of the thing, and not to be startled at names. A convention, he supposed, meant no other than a meeting of the people; and if that meeting was for the discussion of any subject of general interest, in a legal and peaceable way, there certainly was nothing in such meeting that could either call for or justify any such measure as the present. To a convention that had for its purpose to overawe the legislature, and to obtain any object, either of universal suffrage, or other wild and impracticable theory, he should not certainly choose to give his countenance. But if there was a convention either of individuals for themselves, or of delegates of towns and districts, for the purpose of striving, by petitions and addresses to the three branches of the legislature, to put an end to the present most ruinous and unprovoked war, he should certainly neither be ashamed nor afraid—at least not till after the present bill had passed into a law—to attend, and be a member of such convention. But what was to be dreaded from even the convention that was threatened, which the laws of the country were not of themselves sufficient to check? If they meant by their intended convention, to overawe the government of this country at a moment of such unprecedented strength as the government now possessed, he would say that they were fit for Bedlam and Bedlam only. So perfectly and entirely was it possible for magistrates, in every part of the kingdom, to execute the laws, that he would venture to say, that if any man or men, at such convention, committed any illegal act, he or they might be sent to prison, and tried for the offence as securely as if no convention existed.—The danger, then, called for no such remedy; and it was not because any such remedy was necessary that the present bill was introduced. It was to keep alive the passions of the people: it was to agitate and alarm their minds, to put them under the dominion of terror, and take from them the exercise of their rational faculties. Ministers knew well the dangerous predicament in which they stood; they had weakly and, as he thought, wickedly, involved the country in a most disasterous war; every day plunged them deeper and deeper in the fatality which they had brought upon their country; they saw no hopes of extricating the nation from it with honour, nor of proceeding in it with success, and they dreaded all reflection on the subject; they knew that they had no safety but in depriving the people of repose; they knew that if the alarm should be suspended for a moment, and if men were allowed time and leisure for the exercise of their understandings, the war, and the principles on which it was undertaken, would be scrutinized and discussed. They dreaded to encounter so hazardous a trial, and all their measures had been directed to keep alive an incessant commotion so as to suspend every operation of the public intellect. For this reason a subscription had been set on foot; he said, "for this reason," because ministers had been open enough to acknowledge that it was not for money. It was, they had declared, to excite the zeal of the people. Zeal was one of those fervent emotions which would be favourable to their views, and which, while it lasted, would keep them from examining the objects of it. But the subscription he supposed, had not succeeded to the hoped for extent; that zeal which they had aroused was not equal, apparently, to the occasion, and they now strove to awaken a more powerful emotion, that of terror. In short, it was a government of passion, a government in which ministers strove to lull asleep all

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the sober operations of the mind, and to awaken only the fears and terrors of the heart. Reason they dreaded, for reason was their enemy. It was well said by a philosopher of great character, that all men dreaded reason who acted against reason; and certainly it was natural, and in the order of things, that animals, which, by their practice, counteracted the natural course and dictates of reason, should shrink, and dread as their enemy those who seemed to be guided by its wisdom.—It had been said, that the secret committee had been spoken of in terms not the most respectful. He, for one, certainly could not speak of some members of that committee without expressing his high respect and regard for them. He was not among those who gave up their personal friendships on account of differences in political opinion. A noble lord near him (lord George Cavendish) had, in very affecting terms, deplored the circumstance, that in the present moment, he differed from men so near and dear to his heart, as to make him feel it like differing from himself; so, he might say, that for some of those persons, though he had not ties of consanguinity, he felt so sincere a regard, and so poignant a regret at differing from them, as to make it like a parting from himself. His early habits of respect, his warm affections, all led him to this feeling; but the present was not a time to compliment men, or to shrink from the severe duties which conscience imposed, from recollections of tenderness and esteem. He must say then, however highly he regarded some individuals of that committee, that it was made up of two characters; men who were dupes themselves, or men who were willing to dupe others. Their whole report was trifling and inconsequential; it told nothing which every man did not know before; for the last assertion about arming, the right hon. gentleman had said, was merely supplemental, and was not to be taken as a component part of the report. Then, what did the report consist of? Of a collection of papers, which had all been seen by the public, and which, if they did contain any danger, was not a danger of that day. It was known by every one, and steps might have been taken on the subject months ago. Their avowed intention was, to procure a system of universal suffrage; and this the right hon. gentleman said was what had destroyed France. However freely he might be disposed to agree with him, as to the wildness and impracticability of universal suffrage, he must doubt of the fact of its having been the cause of the destruction of France. On the contrary, universal suffrage was to be considered rather as the effect than the cause; for the book of the right hon. gentleman (Mr. Burke) which had produced such enormous and fatal effects in England, had charged upon the French, that they had not acted upon their own principles, but had narrowed the suffrage in a way totally inconsistent with their own doctrine. But were we to argue theoretically or practically from the example of France, which the right hon. gentleman so incessantly presented to them? Was every man who had liberty in his mouth to be considered as a traitor, merely because liberty had been abused in France, and had been carried to the most shocking licentiousness? He would venture to say, that if this was to be the consequence, fatal, indeed, would it be for England! If the love of liberty was not to be maintained in England; if the warm admiration of it was not to be cherished in the hearts of the people; if the maintenance of liberty was not to be inculcated as a duty; if it was not to be reverenced as our chief good, as our boast and pride and richest inheritance;—what else had we worthy of our care? Liberty was the essence of the British constitution. King, Lords, Commons, and courts of judicature, were but the forms; the basis of the constitution was liberty, that grand and beautiful fabric, the first principle of which was government by law, and which this day they were going to suspend.—He called upon the right hon. gentleman to say, whether there was any true parallel between the constitution of this country and the old government of France, that we should dread the same effects from jacobinical doctrines, which that despotic government had suffered? France had no habeas corpus act: France had no system of respect for the liberties of the people; it had not been because France had held out a mild and equal government by law, that France had been overcome by the doctrines of Jacobinism. On the contrary, it was a fair conjecture, that if France had had a habeas corpus act, and had not suspended it; if France had upon every occasion respected the rights and the liberties of the people, the doctrines of Jacobinism would not have prevailed over the

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established power. He stated this as not an improbable conjecture; he did not presume to lay much stress upon such conjecture, but it was material to the right hon. gentleman in supporting his argument, to prove that the old government of France had been overthrown, because there was a want of power; for his argument was, that we must go on from measure to measure, until we should arm ministers with sufficient power to resist and overcome all innovation, and until they had rooted out all appearence of jacobinical principles. The despotism of Louis 16th had not been sufficient to save France from jacobin doctrines. Were we to go beyond that despotism to give ourselves greater security than France possessed? The doctrines of the right hon. gentleman went to the utter extinction of every vestige of the constitution; and such was the effect of his principle, that it was impossible to limit the progress of his remedies; they were all to be hot medicines; he did not admit the possibility of doing any good by the contrary practice. If one hot medicine failed, a hotter only was to be tried; and thus he was to proceed, through all the race of the most powerful stimulants, instead of trying what the opposite course of cooling mixtures and gentle anodynes might produce. What the nature of his provocatives was he had not condescended to state. He had alluded to his former opinion, that if the laws of this country were not sufficient for the suppression of seditious practices, the laws of Scotland, not as they really existed, but as they were stated to exist, should be introduced; and so he supposed one of his plans was, that juries should decide by a majority, instead of deciding with unanimity; and that men should be punished with sentences more rigorous than immediate death; that was, should be sent to die far away from all the civilized world, merely on account of a political opinion. And these severities were to be introduced—for what? Because any great body of people were disaffected to the state? No, no such thing! It was the boast of ministers, and their adherents, that every part of the country was most strictly united in love and attachment to the constitution. But all this was to be introduced, because some low persons, without property and without consideration in the country, were found to entertain opinions about a parliamentary reform that were thought to be dangerous. How long would it take to eradicate these opinions from the minds of these men? Did they mean to keep them all in confinement under this bill? They would be forward, he supposed, to disclaim any such intention. What did they mean, then, to do? To suspend one of the grandest principles of the constitution of England, until there should be found no men within the kingdom tinctured with discontent, or who cherished the design of reform. If they meant to suspend the Habeas Corpus act until such time, there was an end of it in this country. And what did they declare by this to all mankind? That there was no period when it would be possible to restore to the country that grand and inestimable right; that the constitution of England was fit only for an Utopian society, where all men lived in perfect concord, without one jarring sentiment, without one discontented feeling; but that it was utterly unfit for a world of mortal and mixed men, unfit for any state of society that ever did exist upon the face of the earth, or that was ever likely to exist. Never, never then, upon this doctrine, was it probable that we should again recover this most essential part of the British constitution; for it was not the will of Providence that society should be formed so perfect and unmixed, so free from all passions, as to meet the ideas upon which it was contended that the constitution of England could be with safety conferred upon them.—It was said, that the example of France threatened not only this, but all the countries of the world. Whatever the right hon. gentleman might feel upon this subject, there were several countries who thought differently, or which at least did not seek their protection by similar measures. They found their safer course was, in being neutral as to the war, and in preserving to their people the blessings of peace and industry. "But America even felt alarmed." If it was true that America felt alarmed, it would be wise for that House to observe what had been her conduct in that alarm. Had she involved herself in a *bellum internecinum* to exterminate French principles? Had she suspended her habeas corpus act? Had she passed an alien bill? A treasonable correspondence act? Had she shocked every feeling, every humane and every considerate mind, by the scandalous rigour of her legal punishments? Had she plunged herself into a war, and

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loaded her people with new and excessive burdens? No: she had maintained a strict and perfect neutrality, as to the belligerent powers; and she had protected herself at home, by exhibiting to her people all the beauties of their own system, by securing to them all their privileges in their full enjoyment, by enlarging rather than abridging their liberties, and by showing that, so far from dreading comparison, she placed her confidence in leaving to the free judgment of the people the most ample discussion of political doctrines.—With regard to the persons who composed these societies, he certainly knew little of them; it could not be supposed that he entertained any peculiar partiality towards them, at least if men were to judge from the opinion they had always delivered of him; they had never failed to speak of opposition, and of himself personally, with exactly the same expressions as they had used towards administration. The same distrust of their conduct, the same avowed hostility appeared in their writings towards both. They had certainly paid him personally a compliment, in mentioning him at the same time with the chancellor of the exchequer, as far as regarded the splendid talents of that right hon. gentleman; but it was not equally flattering to him to be put on a comparison with that right hon. gentleman, in regard to their right to the confidence of the public. It was not likely, therefore, that he was actuated by any partial regard to these societies; but he considered it as an unwise and illiberal course to take advantage of any odium that there might be against persons, in order to stigmatize measures which might otherwise be good. Though there were among these societies men of low and desperate fortunes, who might be very ready to embrace any enterprise, however hazardous, and though there might be others, whom we believed from their characters, to possess wicked intentions, yet still that was no argument with him for casting a general obloquy on measures which were in themselves harmless. To deny to the people the right of discussion because upon some occasions, that right had been exercised by indiscreet or bad men, was what he could not subscribe to. The right of popular discussion was a salutary and an essential privilege of the subject. He would not answer long for the conduct of parliament, if it were not subject to the jealousy of the people. They all entertained becoming respect for the executive government, that was, for the chief magistrate of the kingdom, but their respect for the king did not supersede the vigilance of parliament. In his opinion, the best security for the due maintenance of the constitution, was in the strict and incessant vigilance of the people over parliament itself. Meetings of the people, therefore, for the discussion of public objects, were not merely legal, but laudable; and, unless it was to be contended that there was some magic in the word convention, which brought with it disorder, anarchy, and ruin, he could perceive no just ground for demolishing the constitution of England, merely because it was intended to hold a meeting for the purpose of obtaining a parliamentary reform. With respect to their plan, that of universal suffrage, he never had but one opinion on the subject. He had constantly and uniformly considered universal suffrage as a wild and ridiculous idea. When his noble relation, the duke of Richmond, had one day taken pains to explain his ideas on this subject, a learned and ingenious friend of his said to him, with as much truth as wit, "My lord, I think the best part of your grace's plan is its utter impracticability." He had always thought that it was impracticable; and though he could not agree with the opinion, that rather than continue the present state of representation, he would incur all the hazards of universal suffrage, yet he was ready to say, that the measures of last year, the horrid and detestable prosecutions, the scandalous sentences that had been passed, and the scandalous way in which they had been executed, did not tend to make him wish less than heretofore for some reform, that should protect the country against these violations of good sense, propriety, and justice. If the Habeas Corpus act was to be suspended upon such an argument as had been advanced that night, and we were to go on step by step, as we were threatened, with the introduction of the Scots criminal code, with the extinction, perhaps, of the trial by jury, and he should then be asked what was his opinion, he did not know but he should be ready to prefer any change to such a horrid situation as the country would then be reduced to. He made no scruple to own that the events which had lately passed in France, had made a most powerful im-

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pression on his mind. He should not do justice to himself if he did not frankly confess that they had served to correct several opinions which he previously held, they had served also to confirm many former opinions. They had convinced his mind of the truth of an observation of Cicero, one of the most common, which was early taught in their grammars, but from which, when a boy, his heart revolted. It was this: "Iniquissimam pacem justissimo bello antefero." He had, in the ardour natural to youth, thought this a most horrid and degrading sentiment. What! give up a just and glorious cause, merely on account of the dangers and perhaps, the miseries of war! When he came to maturer years, he thought the sentiment at least doubtful, but he was now ready to confess, that the events of the French revolution had made the wisdom of the sentiment clear and manifest to his mind. He was ready to say, that he could hardly frame to himself the condition of a people in which he would not rather covet to continue, than to advise them to fly to arms, and strive to seek redress through the unknown miseries of a revolution. Our own glorious revolution in 1688, had happily been clear of all these horrors; that of 1641 had shown a great deal of this kind of calamity; but the French revolution had exhibited the scene in its most shocking aspect. The more, however, his heart was weaned from such experiments, the more he detested and abhorred all acts on the part of any government, which tended to exasperate the people, to engender discontent, to alienate their hearts, and to spirit them up to resistance and to the desire of change. The more he deprecated resistance, the more he felt bound to oppose all foolish and presumptuous acts on the part of government, by which they expressed a disdain for the feelings of the people, or by which they strove to keep down all complaint by inhuman severities. He was convinced that wise men, deliberately weighing the relative duties of government and people, and judging of human nature as it was, would see the wisdom of mutual concessions, would recommend incessant conciliation, and would deplore all measures which could exasperate and inflame the minds of the people, and induce them to wish for the horrors of a change. Nothing was so clear from all the history of England as that we had never been so fortunate as when the government had conciliated the people; never so miserable as when a wretched system of persecution had been unhappily and unwisely adopted by ministers. Persecution had never been successful in extirpating opposition to any system either religious or civil. It was not merely the divinity of Christianity that had made it triumph; for other religions, certainly not divine, but which were founded in imposture, as well as a number of the wildest sects, had thriven and flourished under persecution, on account, as he believed, of that very persecution. The human mind was roused by oppression; and so far from yielding to persecution, exerted all its energies in consequence of the attacks it had to encounter. Was it believed, that, if there was a party in this country, who cherished in their hearts the desire of reform, the sentiment could be extirpated by exercising over the individuals legal severities? Impotent were the men who thought that opinions could be so encountered! There were some things that were most successfully vanquished by neglect. America held out to us the true course and the wise plan to be pursued. Let us, like her, demonstrate to every man the blessings of our system. Let us show that we not only are convinced that it is good, but that it will bear to be examined and compared with any other system. Let us make the people proud to court comparison, and strive rather to add new blessings to those they enjoy, than to abridge those which they already possess. Let us think for a moment what must be the joy which this measure, if adopted, will produce in France? How will it be received in the Convention? Barrere will, no doubt, triumphantly hold it forth as a proof that all the stories which he has tried to propagate in France, of there being a party in this country favourable to them, are true. At last, he would say it had broke out to such a height, that ministers could no longer think the government safe, and had found it necessary to suspend the constitution, in order to protect the state against the French party. If any accounts of the true state of this kingdom had reached France, which told them that we were united almost as one man against all doctrines which led to anarchy, Barrere would hold up this measure in contradiction to that faithful report, and say, that it was obvious there must be a formidable party

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in England in favour of French doctrines when one of the most beautiful branches of our boasted constitution was to be lopped from the tree. Nay, though he for one had always treated with scorn the idea of an invasion, he asked those who held out that fear to the country, if any thing could be more likely to induce the French to undertake such an enterprise, than by thus giving to them the impression that we were threatened with an insurrection at home? Some words had passed, as if he had the night before said, that he would withdraw his attendance from the House. He thought it incumbent upon him to say, that he should act in this respect as upon reflection he felt it to be his duty to his constituents. But he certainly has not said that he should withdraw from the House. Mr. Fox concluded with a strong admonition to the House on the present alarming measure. He said, he saw it was to pass: that farther effort was vain; that the precipitation with which it had been hurried on made it idle for him to hope that argument would induce them to hesitate; and all that remained for him was to pronounce his solemn protest against a measure pregnant with consequences so fatal to the established order and strength and freedom of the country.

Mr. *Pitt* observed, that from the lateness of the hour, it was not his intention to detain the House for any great length of time; and, indeed, the very able manner in which his hon. friends had already argued it, rendered it unnecessary for him to say much. The right hon. gentleman commenced, and had concluded his speech, by holding out, as an incontrovertible argument, that the measures at present necessarily adopted by administration, would impair materially, if not totally destroy, the constitution of this country; a mode of reasoning that he could never suffer to pass without a reply. Pursuing that strain of argument, the right hon. gentleman had pronounced, in terms of unrivalled eloquence, a most pathetic funeral oration on the supposed departed liberties of British subjects, which he had stated as having expired with the introduction of the present bill—a bill, in his mind, nothing worse, or more dangerous in its consequence, than what had been known, from the experience and practice of our ancestors, to be a wise and proper measure, when the existing circumstances of the country demanded such a measure, and required that the hands of the executive government should be strengthened. That necessity, however difficult it might be to convince the right hon. gentleman of its existence, he trusted, had been fully made out to the House: and such necessity having been proved to exist, it came then to be considered, whether the danger was of sufficient magnitude to justify the suspension of the Habeas Corpus act, which, properly speaking, was the only question for consideration before the House. That measure, he granted, was of considerable importance: it was a remedy only to be applied when the emergency was so great as really to call for it. The fair question, therefore, which gentlemen were to put to their own minds, was simply this, whether the danger with which the constitution of the country was threatened by the practices now exposed, was, or was not, greater than any danger which could result from putting into the hands of the executive government, a more than ordinary degree of power, for the purpose of resisting what they considered, and what parliament considered, a very dangerous conspiracy? The right hon. gentleman had carried his argument so far as to say, that if the bill passed, all the rights of the people, and all the privileges of parliament, would be at once destroyed—a doctrine which he could never admit, by whatever ability or eloquence it might be supported. On that point it was important for the consideration of the House, a point which had not yet been touched on by any of those who had argued the question, that the bill was limited in its duration; that it was but a temporary measure, adapted to a present existing evil, and was to continue in force for little more than six months; and that it invested the executive government with a temporary discretionary power, to imprison suspected persons for that limited time, without bringing them to trial; all the rights of the people, and all the privileges of parliament, remaining uninterruptedly the same, attaching all the time the same responsibility upon ministers to which they were liable in every other situation in which they acted, and equally answerable for any abuse of this power, if they should abuse it, as they were for the abuse of any other discretionary power which was vested in them. Stating the question in that view, which was the real and proper state of it, could any gentleman think

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that all the liberties of the subject, and all the privileges of parliament, would be so completely annihilated by the bill, as to make it a question, whether a member of parliament ought, or ought not, to give up his attendance in parliament, or the interest of his constituents? He would not do those hon. gentlemen the injustice to suppose that any of them thought so for a moment; and it would not be doing justice to their own characters, were they to make any such declaration.—The right hon. gentleman, and those who argued on the same side with him, had contended, that in this, and other measures of government, there appeared a strong imitation of the French system of procedure: upon what grounds they knew best: hitherto they had never taken the trouble of explaining them to the House. Wherein was the comparison to be found? He begged gentlemen to attend a little to the comparative state of the two countries. Here a case had been stated, and clearly made out, proving that there was a party in this country, whose avowed system aimed at the destruction of all civilized order, the annihilation of parliament, and the subversion of the constitution, by the introduction of Jacobinism, which had already proved so fatal to France, and at that moment threatened the dissolution of every established government in Europe Such being the case in this country, it was proposed to prevent the calamitous effects of this dangerous conspiracy, by the adoption of a legal measuse, limited in its duration, and which the experience and wisdom of our ancestors had approved, and found highly beneficial. What, then, was to be compared to this in the situation of France, under the influence of the present ruling power in that country, miscalled a government?—a power which, to support its reprobated, detestable, and presumptuous usurpation, had recourse to every stratagem that fraud, robbery, and injustice could suggest. It was, therefore, unfair to impose any such comparisons upon the House; for, in the present instance, we were doing no more than resisting French crimes, by opposing to them English principles; and between them it would not be said, there could be found the least comparison, analogy, or imitation. The right hon. gentleman had next proceeded, in the climax of his imagination, to augur consequences the most portentous, ominous, and inauspicious, from the arguments of his right hon. friend (Mr. Windham) near him; and, taking that to be the first step of the ladder which he supposed reared for the destruction of the constitution, seemed dreadfully afraid about the extent to which that reasoning might be carried; and on that point he had produced somewhat of an extraordinary kind of argument, which was, that, because all the measures which had yet been taken had proved ineffectual to check the progress of the evil they had been applied to remedy, we were not therefore to persevere in endeavouring to overcome the evil by the application of means stronger and more efficacious. But here it might be asked, whether, if those measures had not been adopted, and the vigilance of government exerted, the evils complained of might not have been much greater now than they really were? and whether, if no such steps had been taken during the last two years, we should have enjoyed the same tranquillity that had prevailed during that period? The fact was, if these measures had not been adopted, we should have been hurried much faster to the same scenes of mischief which had now been opened to our view, and from the dreadful consequences of which we had been saved by the vigilance of parliament, and the exertions of government, assisted by the prevailing opinions of the country.—The right hon. gentleman had then said, that if we dreaded all that our alarms had suggested, and found that the measures adopted last year had not succeeded in checking those parties, we ought not to persevere by more severe measures, when there was reason to think that such measures had been of little avail, and that those of a cooler and more moderate nature would have been more adequate: but to what did the right hon. gentleman mean to apply those mild and moderate remedies? Did he suppose that the progress of a Jacobin convention, were it to be once established in this country, was to be stopped, and its consequences avoided by indulgence and concession? or that indulgence and concession were fit to be applied as a remedy to so daring an attempt upon the existence of the constitution? He might wish to preserve the British constitution, but that would be a thing impossible, if these societies met with indulgence or concession. Their own language clearly expressed, that they would make no compromise; and it must be clear that

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no concession would satisfy them, short of a surrender of the British constitution. It must therefore appear that resistance, and the strongest resistance, that could be made, was absolutely necessary, notwithstanding all that had been augured in so prophetic a strain against the adoption of severe measures, even in extreme cases. The right hon. gentleman had said, "if there are such persons, to be sure you cannot like them; but never imagine that persecution will get the better of their opinions, whatever they may be." If such toleration of opinions ought to be granted to persons of the description which the members of those societies proved to be, to what did it amount? It amounted to a toleration of the worst species of anarchy, sedition, and treason. In his idea of persecuting for political opinions, the right hon. gentleman need not suppose that there was any particular intention, by that bill, to go too great a length in that way; and, once for all, to answer the question of "where are you to stop?" it was not proper that the limit of their remedies should be ever declared, or that they should pronounce that this was the last remedy to which they would have recourse: he would at the same time say, that prosecution, in no instance, ought to extend beyond what the real necessity of the case required: and the temporary means proposed by the present bill might be supposed the best remedy in the present case.—He should next come to those points on which the right hon. gentleman seemed to have argued at a much greater length than he thought necessary, viz. the degree of necessity that existed, the proofs of that necessity, and the nature of the remedy applied to the case. Upon these several points, he conceived, the House was already perfectly satisfied; and he could see no reason why the right hon. gentleman should have introduced into that part of his speech, so much in favour of the right which the people had to meet for legal purposes in a constitutional way, or their right to petition parliament for a reform in the representation, because these were points which had never been disputed, and had no connexion whatever with the question before the House. With regard to the policy of such an application to parliament, when that question came regularly before the House last year, he had fully declared his sentiments on that subject, and on a parliamentary reform, and his opinions still remained the same: but surely, no person would presume to say, that there existed the most remote analogy between legal societies for obtaining reform in parliament, with an intention and desire legally and constitutionally to improve the representation, and that convention proposed by the Jacobin societies, whose object was, the destruction of parliament, and not its improvement. That that was their design, was clearly proved by the authority of their own records; the bulk of them did not even pretend that reform was either their view or their wish; such a measure was neither in their mouths, nor in their minds; neither did their actions in any sort correspond with the actions of men who wished well to their country. To give any sanction to them, under the impression that their object was a legal and constitutional reform, was too ridiculous an idea to admit even of a moment's consideration; as well might they talk of giving their sanction to legal conspiracy and legal assassination, as imagine that those societies had any legal or virtuous purpose whatever in their system! [To corroborate this argument, Mr. Pitt read various extracts from the proceedings of the Society for Constitutional Information, and the London Corresponding Society.] These societies were, he said, the main springs of this destructive system, which called aloud for such immediate and such powerful resistance. What he had read from their own books, proved sufficiently, in his mind, that it was through hypocrisy they pretended their object was a parliamentary reform, and that they used it merely as a pretext or mask for their real and mischievous designs; and the papers inserted in their report were, in his opinion, a full and complete answer to such gentlemen as endeavoured to confound those men with parliamentary reformers, and served also to refute the charge made by those who had insisted that the report contained no new matter whatever. In one of their proceedings they appointed a committee for the express purpose of watching over the conduct of parliament, with a view to control any proceeding which might appear to them improper; and that they were to effect through the organ of a convention, expressing at the same time, that as no redress of grievances could be expected from that quarter, it became their duty to repel tyranny by the same means by which it was supported. On that,

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point he could not but express his surprise at hearing the same arguments used by that right hon. gentleman which had been used on a former night, respecting the right which existed in the people at large to watch over the proceedings of parliament, and to interfere when any measure was going forward which they might conceive inimical to their interests. What most astonished him was, that any argument of that sort should be offered as a palliation for the conduct of that society; since, after the union with the other in the same system, and for the same objects, they avowedly came to resolutions, that they should not appeal to parliament for redress of their supposed grievances, but were to proceed to acts of authority and control over the functions of parliament.—With regard to nothing new being contained in the report, it was in itself a matter of indifference, whether the information contained in it was old or new, provided it was considered to substantiate the grounds upon which the alarm had taken place. However, in point of fact, they were not old proofs which it contained; for, until the seizure of the papers, the correspondence with the club at Norwich was never known; and that was one of the most important discoveries that those papers contained, as it had brought to light the general design of assembling their Jacobin convention. As to what was known two years ago, could any person say, that these transactions were unconnected with the subsequent and progressive proceedings of those societies, and that they did not form a very material link of that chain of conduct which it was necessary to trace from its first commencement down to the present moment? One part of the report, however, the right hon. gentleman had admitted to be new; that which stated that these societies were preparing to put arms into the hands of those who were to carry their designs into execution. That article of the report had been somewhat curiously objected to, that, not being in the body of the report, but given as a separate article, it was therefore less authentic. In answer to which he should mention, that that piece of information was cautiously given, because the committee, at the time their report was made up, had not been able to make so full an inquiry into that matter as the importance of the subject demanded; they, however, were now convinced, that they would very soon be in possession of such information as might lead them to propose to parliament some farther measures on that article. Another reason they had for making it a separate article, was, that the full information contained in the report respecting the intended convention, was in their minds sufficient to warrant the proceedings intended to be founded thereon. —As to the propriety of the remedy, without again recurring to the arguments used against persecution for matters of opinion, he would shortly say, the remedy amounted to nothing else than putting a legal restraint upon criminal actions; and the present crime amounted, in his opinion, to a conspiracy of that nature, which was an equal, if not a stronger, reason for the suspension of the Habeas Corpus act, than either the cases of invasion or rebellion, to which gentlemen had so frequently alluded. The right hon. gentleman seemed very much to doubt the good effects of the bill, and that it would never attain the object for which it was intended: the opinion of the persons who composed those societies seemed to differ essentially from his, and they considered it in a different point of view; for they had declared the suspension of the Habeas Corpus act the very measure which should be the signal for them to assemble their convention, and on that account it became the more necessary for parliament to pass the bill quickly, to prevent them from taking measures to evade its operation.—With regard to the measure being likely to invite the French to invade us, the right hon. gentleman had spoken nobly and boldly on that head, when he said, that he did not fear an invasion, but would not invite one; and in that sentiment he perfectly concurred; but the material difference between them was, that he believed the effect on the French would be quite the reverse from what he supposed, for certainly the suppression of our enemies at home would be no very welcome intelligence to our enemies abroad. But however that might be, with regard to the disaffected persons in this country, whatever their numbers were, it was proper the vigilant exertions of government should equal their activity.

Mr. *Fox*, in explanation, declared, that with regard to what he had said on the subject of the Christian religion, the right hon. gentleman had entirely misunder-

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stood and misstated him; which he did not conceive possible, as he had taken particular pains to make his meaning clear and obvious. What he had said was, that the Christian religion owed much of its success to persecution; not insinuating from that, that it was deficient in point of divinity; it was a religion of which he always had been accustomed to speak with reverence, and which he had ever professed; and farther, to elucidate that point, he had observed, that not only the Christian religion, but other sects, which had no just claim to divine institution, had flourished under persecution. He repeated what he had said respecting a proper vigilance in the people, over the proceedings of parliament, and their right to associate for legal purposes. He declared, if such a bill as had been alluded to by his right hon. friend (Mr. Windham), to assimilate the law of this country to that of Scotland, was ever to be introduced into that House, he should think it his duty to associate with persons from the different counties and towns in England, to resist it by every legal and constitutional means. With regard to disaffected persons, no country was without them, but the bill was holding out to our enemies, that they were so numerous as to require the strongest efforts of the executive government to resist them.

Mr. *Pitt* expressed his satisfaction at the explanation given by Mr. Fox, and assured him that what he had said arose from misconception.

Mr. *Thompson* said, he rose not to justify any of the societies: if they were criminal, let punishment fall where there was guilt. He wished only to explain the correspondence alluded to in the report of the secret committee, between the Corresponding Society and the society for Constitutional Information, of which he was a member. The society for Constitutional Information would not agree to the use of the word Convention, which they thought might give a false impression of their intentions, and on the Friday following, they resolved that they would not send delegates to any meeting. Why was not this resolution mentioned in the report? No circular letter had been sent to other societies by the society for Constitutional Information. He asked the chancellor of the exchequer, as a member of the secret committee, whether he did not recollect having seen the resolution above mentioned in the books. If he had not, it must have been omitted by the secretary either through negligence or design.

Mr. *Pitt* admitted that no circular letters had been sent by the society for Constitutional Information. The books of the society appeared to be kept with the utmost regularity. He said, he did not recollect whether they contained any such resolution as the hon. gentleman had stated, and wished him to mention the date.

Mr. *Thompson* did not recollect the date, but was certain as to the fact; if the resolution did not appear on the books the secretary must have suppressed it.

Mr. *Grey* said, that this was a new fact to prove the whole report of the secret committee a scandalous imposture. A member of the House had stated a resolution to which he himself was a witness. Could the chancellor of the exchequer deny that it was upon the books? To say that he did not know, was to say that the committee had reported to the House on the contents of papers which they themselves had not examined.

Mr. *Pitt* said, he should give no answer to a question put in such a tone.

Mr. *Curwen* observed on the rashness with which the House was proceeding, without ascertaining facts. He had quitted the society of the Friends of the People on no suspicion that the gentlemen who remained in it would suffer themselves to be misled, and was still the advocate of parliamentary reform.

Major *Maitland* said, the arguments for the bill, as far as they depended on the conduct of one of the societies, were now admitted to be false; and the report of the secret committee was contradicted in a point of fact by the only member of the House who could speak to it of his own knowledge.

Mr. *Jekyll* suggested to the House that it had been completely misled, and was going to vote away all that was left, to distinguish us from a despotic government, upon erroneous statements. After the information just afforded, he had a right to assume, that the papers contained in the report, were not those that belonged to the Constitutional Society; that their secretary, or some other person, had been bribed to substitute false papers instead of those that were genuine; and that the whole was a forgery and imposture of the same kind with those of Titus Oates.

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The question being put, that the House do now adjourn, the House divided:

Tellers.

Yeas	Major Maitland - -	}	33
	Mr. Jekyll - - - -		
Noes	Sir James Sanderson -	}	183
	Mr. Adams - - -		

The bill was then read a third time. On the motion, that the bill do pass, the House divided:

Tellers.

Yeas	Sir William Young -	}	146
	Mr. Serjeant Watson -		
Noes	Colonel Tarleton - -	}	28
	Mr. Francis - - -		

The bill was then passed; and the House adjourned at 3 o'clock on Sunday morning.

First Report of the Lords' Committee of Secrecy respecting Seditious Practices.] May 17. Lord Grenville presented a Message from his Majesty to the House of Lords similar to that which was presented to the Commons on the 12th of this month.

May 19. The Habeas Corpus Suspension bill was brought from the Commons. A copy of the First Report of the Secret Committee of the House of Commons was also presented; and lord Grenville moved, that it be referred to a Secret Committee.

May 20. The Lords proceeded to ballot for a Secret Committee, and the following noble peers were chosen: viz. the Lord Chancellor, Lord Privy Seal, dukes of Leeds, and Portland; the earls of Hardwicke, Carlisle, Carnarvon, Chatham, and Mansfield.

May 21. The Lord Privy Seal, presented the First Report of the Committee of Secrecy, which was read by the Clerk at the table, and is as follows:

The First Report from the Committee of Secrecy appointed by the House of Lords to inspect the Report and original Papers, and the Book sealed up in a Bag, delivered on Monday the 19th of May last, by a Message from the House of Commons; and who, by the order of the House of Wednesday the 21st of the same month, were empowered to send for persons, papers, and records, and to receive such communication as may be made to them by his majesty's orders, or by the Committee of Secrecy appointed by the House of Commons, and to report thereupon, from time to time, as they shall see cause.

Ordered to report, That the committee have met, and, having carefully compared the said report with the original papers referred to them, have come to an unanimous resolution immediately to report to your lordships, that they are satisfied and convinced by circumstances contained in these papers, that a traitorous conspiracy hath been formed, and acts done in pursuance thereof, by certain societies and persons in different parts of the kingdom, for the subversion of the established laws and constitution, and the introduction of that system of anarchy and confusion which has fatally prevailed in France.

The same evidence contains strong indications that measures have been recently taken, and are still continuing, for providing arms of the most pernicious sort to be distributed amongst the favourers of this conspiracy for effectuating, by open force, the purposes, for which they have conspired. The committee have therefore thought it their duty to continue the farther examination of the matters referred to them, and to submit to the consideration of the House, whether it may not be proper that they should be empowered to send for persons and papers, and to receive such communications as may be made to them by his majesty's orders, or by the committee of secrecy appointed by the House of Commons; whose vigilance and activity, in providing for the public safety, cannot fail to excite a proportionable zeal and emulation in your lordships for detecting this scene of iniquity, and thereby averting the calamities in which the farther progress of such a conspiracy might have involved the nation.

The said Report was ordered to be taken into consideration on the following day.

Debate in the Lords on the Habeas Corpus Suspension Bill.] May 22. The order of the day being moved, and the Report of the Secret Committee read by the clerk at the table,

Lord *Grenville* rose, to call on their lordships to consider whether they ought

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not to proceed with all possible expedition in the measure before them, which was a bill brought up to them from the Commons, to enable his majesty to secure and detain such persons as he shall suspect of conspiring against his person and government. It had now in different shapes been brought before their lordships; first, by the message from the king; secondly, by the communication from the House of Commons; and lastly, by a committee of their own, that a plan and conspiracy actually existed, for the purpose of subverting the laws and annihilating the constitution of this kingdom. It was moreover ascertained, to the satisfaction of their lordships, that arms had been furnished, to carry into effect the wicked machinations of the societies to which the report adverted. In such a situation, the two branches of the legislature had shown precedents, where the hands of the executive government were strengthened, for the purpose of defeating those who conspired against the laws and the constitution. Was he to close his speech here, he was convinced, after their lordships had heard the report, that it were unnecessary for him to say more to induce them to agree to the motion which he should submit to their consideration. The only question, in his mind, was, whether their lordships would agree to a measure that tended to enable the executive government to secure to this country the blessings of the constitution and its laws, which were attacked. For that purpose, he would recommend to their lordships to pass the bill now before them; in doing which, they were doing nothing more than their ancestors had done, and that at the best periods of our constitution. For it was at the time of the glorious Revolution, that they had adopted the measure now proposed, on slighter examination than that which had preceded the measure now proposed to be adopted. On a reference to their journals it would appear, that such a bill as this had passed on a single communication from the crown, without stating any thing but the mere fact of there being a conspiracy, and without waiting for any proof of it; but although that was the case, he felt in this instance a desire to enter a little into the detail of facts, by way of information to the House. The assertion of the House of Commons, in which their lordships committee had unanimously concurred, was, that they were satisfied there was a design now openly professed and acted upon, which aimed at nothing less than a traitorous conspiracy for the subversion of the established laws and constitution of the kingdom, and to introduce that system of anarchy and confusion which had fatally prevailed in France; and he was sorry to say, that this had not been discouraged, on the contrary it had been encouraged in many instances, and that at a time when we were at war for the maintenance of every thing that was dear to us, and to every civilized nation in the world. From the first moment that those who brought on the revolution in France found themselves strong enough to avow their real principles and designs, their mischievous system commenced, and they began to disturb this and other countries, under the name of reform. They had proceeded wisely, if wisdom could ever be said to attend iniquity: they had proceeded to obtain the assistance of the people of different countries, well knowing that their system could not be established in their own, without such assistance; and they found, as naturally they expected to find, men of profligate morals and desperate fortunes in many places ready to enter into their views. Accordingly, in the beginning of 1792, a correspondence was established for the purpose of disseminating principles utterly inconsistent with the existence of the constitution of this country; he would say more, inconsistent with the existence of any constitution, or any form of government in this world, where there was any law, morality, religion, or order. In this situation his majesty had been advised to warn his subjects of the pernicious tendency of such principles, and the dissemination of them; accordingly, his majesty issued his proclamation in May, 1792.* Precisely at this period it was, that these societies came forward for the purpose to which it was extremely material for their lordships to attend; they began their operations by endeavouring to corrupt the minds of the lower classes of the public, by disseminating pamphlets, containing the whole of their system: they passed a resolution on the 18th of May, 1792, to distribute a cheap edition of a book, intituled "Rights of Man." Here was the foundation of that system which had since ripened into treasonable practices by subsequent proceedings, which were followed up with incredible activity; this was in-

* See Vol. 29, p. 1476.

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creased by the success of Dumourier in the Low Countries, which demonstrated the views of the parties, as well as their avowed concurrence with the National Convention of France, which was manifested by an address presented on behalf of these societies to that convention, and the answer to it, which was, that the National Convention applauded the spirit of British republicans, and that they trusted the moment was fast approaching, when a National Convention would be established in England. His lordship said, he was induced at first to look on this as a wild, absurd, sally of infatuation, with which the proceedings of that assembly seemed to teem; but on looking at the subsequent proceedings of the English republicans, he found it was only part of a systematic plan for the subversion of the constitution of this country. This would be as evident to their lordships as to himself, if they looked at the names of the persons who had been admitted members of these societies afterwards; they were members of the Convention, who had by the whole of their speeches and conduct, been marked by the most decided hostility to the constitution of this country; and they had brought us to the necessity of arming against them in our defence, and almost at this very moment, when we were arming for our own defence, and in support of our constitution, these societies made honorary members, and entered the speeches of these persons in their books, the speeches of Barrere and St. André: Roland was also admitted an honorary member.—It was really with astonishment that he at first read the speech of Barrere in particular, where he stated that it was false that the people of England were adverse to the proceedings of the convention which brought on the murder of their king; he allowed that individuals in this country had expressed some disapprobation of that event, but insisted that it was by no means the general feeling of the people of England. This was the speech which the members of the Society for Constitutional Information were pleased to applaud! Besides this, their lordships would perceive in these societies a studious imitation of the proceedings of the National Convention: they adopted all their phrases in speaking, and all their forms in transacting business. All this proved, to his mind, that their views were to familiarize the lower classes of the people of this country to these proceedings, in order to prepare them to come to a resolution, for the destruction of all rank, distinction, and order in society: every thing was to be swallowed up in the jacobinical term, citizen. Their lordships would see there was not any one of the papers of these societies, contained in the report, which did not contain avowed approbation of the principles of government maintained in the National Convention of France—principles utterly subversive of all government and all order in society. The persons who concurred in these sentiments disseminated them with incredible industry among the people of this country at large, and with more industry among the lower orders than any other; every speech that was seditious, every publication that was seditious, was disseminated among men who were the most likely to be led away by their passions, in hopes finally of introducing anarchy and confusion in this country. For this purpose, they had carried on correspondences in almost every considerable manufacturing town in the kingdom. They had at last determined to call what they termed a British Convention; in October 1793, they took measures for this purpose, and a convention actually met in the December following. His lordship then proceeded to read extracts from the report, and maintained that in several parts of it open resistance to the law was recommended, and that in no part was there any thing evinced like a disposition to apply to parliament. In one part it was stated, "that the law ceases to be an object of obedience whenever it becomes an instrument of oppression." Then was stated, as an instance of this oppression, the trials and punishment of the members of the convention at Edinburgh, together with high panegyrics on the virtues of these individuals. Couple this with the sentence—"We see with regret, but we see without fear, that the period is fast approaching when the liberties of Britons must depend, not upon reason, to which they have long appealed, nor on their powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised," and he would ask any honest man to lay his hand on his heart, and say whether he did not really believe that the true spirit of this sentiment was, to inculcate the doctrine of disobedience to the existing laws, and to repel by force, every attempt to enforce such laws?—His lordship then took notice of the account of the proceedings of the meeting of the London

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Corresponding Society, at the Globe tavern on the 20th of January 1794, which he censured as a peice of extravagant licentiousness. They then, he said, proceeded to animadvert on parliament in a strain too indecent for their lordships to hear repeated; and then they complained of the administration of justice in Scotland and in Ireland. It was stated—"If we look to Ireland, we find that acknowledged privilege of the people to meet for the support and protection of their rights and liberties, is attempted by terrors, to be taken away by a late infamous act of parliament." In Scotland—"The wicked hand of power has been imprudently exerted, without even the wretched formality of an act of parliament." Here it was held out in one case, that an act of parliament was an infamous act, and in the other, that an act of parliament, if these societies should disapprove of it, was to be considered as a wretched formality: both tending to one point, namely, that the authority of either was to be resisted by open force. It was stated, indeed, that they looked for a parliamentary reform by legal means; but was any man simple enough to believe that they were sincere in this declaration? On the contrary, was it not evident, that the whole of their plan was, to bring parliament into contempt in the eyes of the public? He charged the authors of these proceedings with nothing less than an intention to introduce into this country the anarchy of France, and he would say that their designs were not only criminal, but treasonable. Their object was not a parliamentary reform, but the destruction of our monarchy; the destruction of that House and the destruction of the House of Commons; the subversion of all law, order, rank, distinction, property. With nothing less than this did he charge the authors of these proceedings, and he would say again that these were treasonable practices. To maintain this assertion, he need only to advert to some passages, in which they stated, in the most inflamed and treasonable terms, their views. It is asked, by what means shall we seek redress? "We answer that men in a state of civilized society, are bound to seek redress of grievances from the laws, as long as any redress can be obtained by the laws." Then followed a text from scripture, which he would not repeat; but the conclusion was, "we must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors." Here the people were told again, that all obligation to the laws ceased, for the Houses of Parliament were filled with their plunderers, enemies, and oppressors. They then proceeded to create themselves into a convention to set parliament aside altogether. These were treasonable acts and their lordships were no more to believe the professions of these men, that they only wished for a parliamentary reform by legal means, than they would the defence of a murderer in a court of justice if he should declare his intentions were good. His lordship then proceeded to take notice of the meeting at Chalk-farm, on which he pointedly animadverted, and in the course of which he observed, that a little before this time, an opinion had been given in another place, in which he concurred entirely, namely, that if the law was not sufficient to suppress these proceedings, it ought to be strengthened, as it must be allowed, that many of these proceedings were had in contempt of the established laws of the country. He had no doubt whatever of these being treasonable practices. He would not disgust their lordships by reading the resolutions entered into at Chalk-farm, as they had heard them read by the clerk at the table. They were such as evidently showed the violent intentions of this society. From these it was manifest, that they, in the most undisguised manner, had exhorted the people to arm, and that the occasion of their assembling, and the cause for which they met, was not to be decided by parliament, but by that illegal meeting. This, he contended, was calling on the people to rise in arms against parliament; it was endeavouring to alienate them from their allegiance; it was an avowal of treasonable purposes, as exhorting the people to resist the laws. From a view of all these facts, he was convinced that there existed a treasonable conspiracy, for the express purpose of superseding parliament, annihilating the legislature, and introducing anarchy and confusion in the kingdom. This was the conclusion drawn by their lordships respectable committee; it was the conclusion which he himself drew; and, if it was conclusive to their lordships, they would proceed with dispatch in adopting such measures as would put a stop to the spreading evil. In some of the societies proposals had been made for providing arms for the members, and if any thing was wanting to carry conviction to the minds of the most incre-

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dulous of their treasonable intentions, the circumstance of their arming their friends must be sufficient. When this fact was established, that they armed to effectuate by force if possible, what they could not otherwise accomplish, it was a necessary caution to put the executive government on their guard against what might be otherwise productive of a civil war. If the measure which he had to propose was strong or harsh, the necessity of the case required that it should be carried into execution. If it were argued, that there was incongruity in adopting a measure that would attach to the whole, because a part was criminal, he would argue, without meaning any personal compliment to those with whom he acted, that their lordships might repose with safety in the clemency, and mild exercise of any power vested in the executive government. If it were said, that the tools and instruments of those who formed those alarming meetings, were miserable, obscure individuals from whom no apprehension could be justly formed, he would answer, that where conspiracy was proved danger existed. If it was said, that a conspiracy was not to be dreaded in which men of rank were not among the conspirators, he would answer, that if their lordships looked into the page of history, they would find that the overthrow of all governments had been effected by obscure individuals, and that almost all conspirators were bankrupts in character. With respect to the Revolution in France, the majority were adverse to the measure: and an able writer, and a man of veracity had asserted, that just previous to its happening there were not two hundred persons in all France who wished for it; and Robespierre himself was regarded for a time as a madman in the National Convention. It was want of early caution in the executive government that enabled these desperate characters to succeed. We, in the present instance, should regard the fate of the monarchy of France as a lesson; therefore, though the individuals were insignificant in number, in talents, and in character, that was no reason for not checking their proceedings, for they might soon become dangerous if suffered to proceed. Previous to the great rebellion, in which Cromwell made so conspicuous a figure, he was considered as a despicable character and a man of no note: but in the progress of that rebellion, he proved himself capable of vast designs, and therefore his lordship trusted, that the security of the country in the present crisis, would rest on something more than the obscurity of individuals. He concluded with moving, "That the bill for empowering his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government, be now read a first time."—It was read a first time. His lordship then moved, "That this bill be now read a second time."

Earl *Stanhope* said, that differing from the noble secretary in all his conclusions he must oppose this measure. He considered this bill as neither more nor less than a system for erecting a bastile in this country, and for establishing lettres de cachet, by which any man in the kingdom might be imprisoned for any length of time, at the will of ministers, without proof, without reason, and even without trial, and after all, without redress of any kind, for such imprisonment. He should have expected, that when such a proposition was only mentioned in a British House of Parliament, it would have excited general abhorrence. There was no situation in which such a measure as this ought to have been attempted, much less in which it could be justified, to this extent. He thought he should do away all the grounds laid down in support of this measure: their lordships would permit him, therefore, to state what the charge was against the members of these societies, and what was the ground of that charge. A convention,—a meeting—an assembly—give it what name you please—had been agreed upon by these societies; now, upon this, two considerations presented themselves to our view—the object of the parties, and the means by which that object was to be attained. If these were legal, no honest man would be disposed to cavil about the name. He should take first, the charge. It was stated, that the object of the members of these societies was, not to apply to parliament for a reform; but that they intended to supersede the House of Commons, and to take upon themselves the power and function of legislation. There appeared to him to be great want of logic in that conclusion; for it was certainly very possible, he did not say it was advisable for a body of men to form a resolution for obtaining a parliamentary reform, and that legally, without any appli-

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cation to parliament. He spoke the more freely upon this point, as he never had belonged to any of these societies, and he did not approve of the meeting of a convention, such as these societies proposed; because, however legal their conduct might be, it was not likely to be effectual: it had been tried already, and had failed, and was likely to fail again. It had been tried in 1780 and 1781. But the probability or the improbability of success had nothing to do with the legality of the plan. To show the possibility of a plan for bringing about a parliamentary reform, without applying to parliament, he would put a case which might easily happen. Suppose, for instance, that all those who now possessed the right of election should determine not to vote at a future election for any person who did not undertake to agree to a given plan for a parliamentary reform; and suppose all those who were so elected should be faithful to their engagement: here would be at once a plan for a parliamentary reform carried into effect, without any application to parliament, and yet it would be legal. But it was said, that these persons had extravagant ideas of reform; "annual parliaments, and universal suffrage." This was not peculiar to these persons, he could show to their lordships that there was a person of the name of Richmond who had held the same ideas. If, therefore, the House would allow this Richmond to entertain these ideas, they must at least tolerate the members of these societies. We were told that these societies had expressed disapprobation of the parliament of Ireland; he should show them that the same sort of intemperate expressions had been made use of with respect to the parliament of England. He then proceeded to state an account of a meeting, in Kent, in the year 1780, with many great and respectable names; some of them members of that House, among the rest, the right hon. Tommy Townshend.

Lord *Sydney* thanked the noble earl for the polite manner in which he had introduced his name, but that he ever belonged to any convention, he rose expressly to deny.

Earl *Stanhope* said, he never had asserted that the noble lord was a member of a convention; he spoke only of a Kentish committee. At this meeting were present a brother of the noble secretary of state, colonel Fitzpatrick, Mr. Fox and many other distinguished characters. They afterwards met in London and in Westminster, and stated several points for a reform in parliament, and the meeting resolved in a very spirited manner, and did not speak of parliament in very soft expressions. He did not say that all those individuals agreed to these resolutions, but the society agreed to them; and no question was ever started upon the legality of the meeting, or of its measures. He then took notice of the quintuple alliance; they had agreed to call a convention precisely as these societies had done. Another meeting had been held in Scotland, and by the express advice of the lord advocate, a convention had been agreed upon. This he only mentioned to prove that there was nothing illegal in the word convention. Their lordships knew what the conduct of Mr. Pitt had been upon the subject of parliamentary reform. He then proceeded to the declaration of sir George Savile, a character whom every one who knew esteemed. That great and good man had, in his letter to his constituents, made use of much severer words with respect to parliament, than these societies had done in any of their resolutions, and instead of being blamed, he was revered for it. He then took notice of the duke of Richmond's letter to colonel Sharman, in which his grace states that he has no hopes of any reform from the parliament, but that the people must do every thing for themselves. If their lordships, therefore, were to send to prison any of the members of these societies for disrespectful expressions to parliament, they must send with them, for the same offence, citizen Richmond. As an instance of the freedom taken with the character of parliament, he quoted Mr. Burke's letter to sir Hercules Langrishe, on the subject of the corruption of parliament. He ridiculed the idea of a conspiracy where every transaction had been printed in the public newspapers, and maintained that it what was now stated in the report was illegal, government ought to have prosecuted long ago. One part of the charge against these societies was, that they had circulated a cheap edition of the Rights of Man. Now, upon this point, their lordships ought to know what the secretary of state did not mention. The attorney-general of that day, sir Archibald Macdonald had indicted Mr. Paine, the author of the Rights of Man, and that book ha

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been declared by a jury a libel on the constitution of this country. In all the cheap editions of this book, circulated by order of those societies, the parts selected by the attorney-general were omitted; therefore, the inference was, that the book in that state was a legal publication. He then took notice of the charge of these societies having admitted Barrere and Roland as honorary members of this society; there was nothing on the face of it illegal, for the speeches of these persons who were not stated in the report, and their lordships had no evidence of their unconstitutional tendency. If any complaint was to be exhibited against the members of these societies, for applauding the sentiments of these speeches, we should have evidence of the speeches themselves. Besides, he maintained that the report itself was extremely unfair, and made up entirely against all the rules of evidence; parts of the correspondence, and those the most unfavourable, were selected, and the favourable ones omitted; whereas, in point of justice, the whole of the books of the society should be quoted in the report, that the House might not be called upon to judge from mutilated and detached passages; the whole taken together might not only be an innocent, but also a meritorious work. On the subject of providing themselves, with arms, his lordship quoted the authority of Blackstone, who stated that the subjects of a free state have a right to keep arms for self-defence; and also the opinion of lord Hawkesbury, on the propriety of arming the people, who had said that there never was an instance of an armed people using their power to their own destruction. The whole of this measure appeared to him to be improper: the fear pretended to be felt could be compared to nothing so aptly as the windmill of Don Quixote. But supposing there was any foundation for fear, how unjust was it that the freedom of all the people of England should be at the will of the minister, on account of the misbehaviour of a few. He desired their lordships for a moment to reflect on the possible effect of all this. Suppose a stream of water that had often fertilized a beautiful plain, had passed its boundaries, and occasioned some trifling injury to the soil, a miserable husbandman would he be who should endeavour to choak up the current. So it was here—the flowing of human reason government had not the power of checking, but, like the prudent husbandman, they might with care direct it within its proper channel. So in the present instance, let us do justice and give to the people peace, and then we may be able to guide their reasoning, and keep it safely within its due limits.

Earl *Spencer* said, that the measure proposed was undoubtedly a strong one, but it was not stronger than the occasion called for. He conceived it to be absolutely necessary, and he gave ministers his hearty thanks for having brought it forward. If the measure wanted justification, he would give it in the words of Blackstone, namely, "that it may sometimes be worth while to part with our liberty for a time, in order to preserve it for ever."

Lord *Hay* vindicated the measure as becoming the wisdom of administration, and as being adequate to the occasion.

Lord *Boringdon* approved of the measure, because he was convinced that the necessity of the case called for a strong measure. It was full time that a check should be put to the progress of such destructive proceedings. He felt no weak, or unmanly alarms, and was as much for the fair, pure, equitable rights of man, as any body; at the same time, being no friend to the modern innovating system of France, it became his duty to be alarmed when he thought any attack was attempted to be made upon the constitution of the country. The existence of a most dangerous conspiracy against the government of this country was evident. He agreed, that no force could stop the progress of opinion; but he thought that a prudent foresight might prevent many evils.

Lord *Thurlow* said, that before he entered at all into the question, it was proper to notice the manner in which the bill had come into that House. He considered it first as founded upon the king's message, and next on the proceedings which had since taken place upon it in that and the other House of parliament. In his opinion, their lordships had acted in the wisest way, by taking it up in the manner they had done; but he could not help saying, that much of the debate that night had gone very wide of the mark. The only communication now before them, was the report of their committee, and the bill which was founded upon that report. The general principle upon which he conceived the bill to be

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founded was necessity; and when once that necessity was established, there was nothing so strong in the measure as ought to create any objection to it. If it was clear that the proceedings, which made the bill necessary, tended to produce that anarchy in this country which had prevailed in France, (and certainly it must be allowed, that anarchy was the worst of tyranny), then it was necessary to adopt this measure, which, though it for a time seemed to infringe upon the principles of the constitution, only took away just as much as secured the rest; which certainly was a wise and commendable policy, He reprobated the practice of introducing names of persons, or even allusions to those who were under trial; it was unfair, unjust, and unknown in the practice of the English legislature; they ought not to be prejudged or pronounced guilty before hand. From what he had seen of the report, there were many things that, in his opinion, were seditious, but he did not think that they amounted to any higher crime. There were other parts, which if they could be supported by evidence, certainly might amount to treason; particularly where it was said to be intended to prosecute their system by force, and in opposition to the known laws of the country. This sort of declaration required punishment, and had its authors been punished at the time, it would have prevented their successors from having offended. But though the persons, to whom he alluded, had escaped, that could form no excuse for those who now wished to carry their schemes farther. He repeated, that from what he had seen of the report, he thought there was ground for punishment, as far as punishment for misdemeanor went, but he begged leave to decline giving any decided opinion upon the particular instances of those who were now very nearly under trial. A great mistake seemed to exist respecting the extent of the bill, which, in fact, gave no power to the executive government, as to confining and detaining suspected persons, which they had not before, except this, namely, that they could be so secured and detained for a certain time, without being brought to trial. Why it had vulgarly been called a Suspension of the Habeas Corpus act, he could not tell; and yet it had been so called almost every time that a bill of this sort was brought forward; for if this bill was passed to morrow, the Habeas Corpus act still would remain in full force, and magistrates must consider that to be the case, and act with proportionate caution. He recurred to the different periods when this act had been most the subject of parliamentary discussion. In Charles the 2nd's time, it had been in disuse, and was renewed in the year 1704. A bill of this sort had been at different times brought forward, in cases where an actual insurrection took place, or where conspiracies were strongly suspected, although they were of so hidden a nature that they could not be traced at the time; and in the last case it became prudent and necessary to secure and detain persons suspected, till such conspiracy could be traced. As to the crimes charged in the report, certainly, many persons might be committed under this act, but he thought most of them could be brought before the common courts, whether this act passed or not. It was the duty of magistrates to attend particularly to the laws in cases of imprisonment. He alluded to the imprisonment of lord George Gordon, which he seemed to think too long, and the sentence too severe. With regard to the manner in which any additional discretionary power put into the hands of ministers might be used, he must say, that he should not have the least hesitation in risking his liberty, his property, and his life, at the discretion of the noble secretary of state, and believed they could no where be safer. But this matter of opinion was not a fair argument when any extraordinary power was to be given to the executive government. In such instances, no more ought to be trusted in the hands of ministers than the urgency of the case required; to argue in that way would be to distinguish the officer from the office, and might put it in the power of a bad man to do, what a good man never would do if he had the same power. In all cases where punishment was merited, the best mode of preventing similar offences was, to punish in a spirited manner.—Lord Thurlow then took occasion to allude to a pamphlet*, which his lordship said, had been published by one Debrett in Piccadilly, and which had that day been put into his hands, reflecting highly upon the judges, and many members of that House: it was disgraceful

* Lord Thurlow alluded to the Report of the Committee of the House of Commons on the Causes of the Duration of Mr. Hastings's Trial. See p. 288 of the present Volume.

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and indecent; and such as he thought never ought to pass unpunished. He considered, that vilifying and misrepresenting the conduct of judges, and magistrates entrusted with the administration of justice, and the laws of the country, was a crime of a very heinous nature, most destructive in its consequences, because it tended to lower them in the opinion of those who ought to feel a proper reverence and respect for their high and important stations; and when it was stated to the ignorant and the wicked, that their judges and magistrates were ignorant and corrupt, it tended to lessen their respect for, and obedience to the laws of the country, because they were taught ot think ill of those who administered them.

The Earl of *Lauderdale* said, he had attended particularly to the report which had been made to their lordships, but could not find out in that, or any circumstance connected with it, the least ground for the very strong and alarming measure, which it was intended to introduce—an innovation upon the constitution of the country, unwarranted by policy, necessity, or precedent. It certainly, though the greatest, was not the only innovation which they had lately introduced; they had begun with an Alien bill; then a traitorous correspondence bill; they had proceeded to bringing foreign troops into the kingdom, and raising voluntary subscriptions without the consent of parliament: and now all these measures were to be followed up by this bill, which amounted to a suspension of the Habeas Corpus act; the whole forming a chain of measures tending to establish in this country a new system of revolutionary government. When he reflected upon the supposed dangers to which the report alluded, and compared them with the daring measure proposed as a remedy, he was satisfied that the remedy was far more alarming than the danger could possibly be. Ten years ago, when schemes of reform, precisely the same as those avowed by these societies were proposed, countenanced, and encouraged by the duke of Richmond, and others of his majesty's present cabinet, no such thing as a bill to suspend the Habeas Corpus act had been thought of. The noble secretary had allowed that the conspiracies which he dreaded so much, were formed by the refuse of the people; but he had taken care to state also, the great mischiefs that had frequently arisen from the most obscure individuals; and though the numbers were by all said to be inconsiderable, yet their power was rated very high, and their proceedings were to be dreaded as most important, so much so, that they were to overawe and control the functions of parliament, and overturn the constitution itself.—Now, what was all this but mere assertion. Had a single fact been produced that proved even the probability of this being well-founded? Not one. Who believed that danger was to be dreaded from Lovet and the 200 madmen whom he was said to have collected? The whole contents of the report, the country at large had been fully acquainted with for the last two years; and if they were proceedings of the alarming nature now described, ministers were highly criminal, in allowing them to pass unnoticed so long. What were the materials that proved this dark and hidden conspiracy? Seditious papers, that had appeared in every news-paper in the country, and treasonable writings, that had every where been circulated for the last fourteen months. In short, it was clear, that ministers had long been acquainted with the proceedings which they now thought so dangerous, and had been nursing the conspiracies till it suited their own purposes to bring them forward, for the purpose of keeping up a system of alarm and terror, in order to divert the attention of the country from the calamities and disgraces which their mal-administration had brought upon it. In every former case, where a suspension of the Habeas Corpus had taken place, it was founded upon some overt act, and not upon such ridiculous grounds as the report on the table held out. Whatever respect the learned lord might have for a secretary of state, he should be sorry to see any minister vested with a discretionary power greater than the exigency of the case required, whatever his character might be. Noble lords might recollect what had happened after 1715, in sir W. Wyndham's time, when very respectable country gentlemen were brought up from Norfolk and confined. At that time, however, there was an open rebellion in the country. In 1722, the bill was founded, not upon such papers as those in the Report, but on a specific declaration contained in the king's message. In 1745, the situation of the country was similar to what it had been described in the former cases. All that time, till within the

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last twelve years, there had been a Pretender and a Jacobite party in this country: members of both Houses had been notoriously of that party. From this he might conclude, that either the Habeas Corpus act ought never to have existed till within the last twelve years, or that it ought never to exist again.—He came next to consider what had been said about the real intention of those societies not being favourable to a reform in parliament and quoted some passages from Mr. Burke's letter to his constituents at Bristol, almost in the same language, and precisely the same in substance as the arguments used in the papers of those societies; but what might then be thought good and praiseworthy, from that grave, orthodox, political divine at that time, was now to be reckoned treason from those societies. He then noticed the precedent of 1777, when the bill then brought into parliament, only affected a particular description of persons specified therein, and did not go a step farther than the exigency of the case required. In the present instance, as all the mischief must come from the few hundreds who belong to these societies and clubs the operation of the bill ought only to extend to them: this would have been an effectual remedy, had their purpose been only to meet the real evil with an adequate remedy. Having concluded his arguments against the bill, the noble earl founded the motion he was about to make upon the 26th standing order of the House, that no bill can be read twice on the same day that it was brought in: this, like every other standing order could not, he said, be dispensed with, unless by the unanimous concurrence of the House. This, coupled with the precedent in 1722 on this order, induced him to move, "That the House do now adjourn."

The Earl of *Abingdon* said, that in 1777, that was, pending the American war, he had voted and single-handedly protested * against the bill that was then brought forward for the suspension of the Habeas Corpus act; in 1794, pending the present war with France, he should vote for its suspension, and would give the bill all the support in his power; and precisely on the same ground and for the same reasons, that he voted against the other bill; for that war was a war upon our friends and fellow-subjects in America; whilst this was a war, as it were, with original sin; that was, with our ancient and ever to remain inveterate enemies: and not only our enemies, but the enemies of all mankind—let him add, the enemies of God and Nature. That was a war of Cavaliers against round Heads, of High Church upon Low Church, which he then opposed: this was a war (by way of retaliation too) of round Heads against Cavaliers, of Low Church upon High Church, in order to No Church: and this he now opposed, both being equally adverse to the tolerating spirit and the free constitution of this country. The principles, it was true, were the very converse of each other; but the motives of conduct in him were still the same, namely, to preserve the intirety of the British constitution. These were his reasons for the vote he should give, and to which he could add many others: but long speeches like great books, were great evils; and if one reason would would do, as Hudibras says, what need of two?

The Earl of *Mansfield* remarked on the obscurity of the persons who composed the societies, as a circumstance that would render the success of their intentions more dreadful. He had much confidence in the good sense of the people of this country, and their attachment to the constitution; but the question for their lordships to consider was, "Would they nip the seeds of anarchy in the bud, or suffer them to be blown abroad by every wind? Would they smother the flame on its first appearance, or suffer it to burst into a conflagration? Under such circumstances as the present, it was not walls and towns, it was not fleets and armies, that constituted the defence of a nation, but the vigilance of the executive government. If we looked to the horrors which France presented to our view, was it terror that had occasioned the commission of the unexampled atrocities in that unhappy kingdom? Was it terror that provoked the murder of their sovereign? Was it terror that had just instigated them to the murder of the princess Elizabeth, who, to all the softer virtues of her sex, added patience and fortitude, that would have done honour to the most heroic times? Our measures of precaution were not to be calculated on the probability of ultimate success, but on the magnitude of the evil with which we were threatened. Let their lordships figure to themselves a convention, such as the societies proposed

* See Vol. 19. p 52.

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to assemble, usurping an authority paramount to that of parliament. Happy, in such a case, would be the lot of that man who should be the first to fall by the English guillotine; for he would have the consolation of knowing that he was to be buried in the same grave with the constitution. To their lordships it would be irreparable ruin. Notwithstanding all that was asserted to the contrary, he still hoped we should be able to restore order and government in France; but if we should not, and confusion should take place in this country, to whom could their lordships apply for assistance or relief? To the Jacobins in France? The security of other noble lords was to him an additional ground of fear; for if they were all equally convinced of the danger, they would all be equally zealous to guard against it.

The Earl of *Carnarvon* could not help making a few remarks on what a noble earl (Lauderdale) had said. He was very ready to agree with the noble earl, that the subject was of the utmost importance The danger to the constitution, which improvident neglect and temerity on the one side, or nervous and causeless alarm might produce on the other, was obvious to every man who had turned his thoughts to political reasoning. The question before us is this, whether the temporary suspension of the Habeas Corpus act can be justified at any time upon any emergency? If it can, whether the dangers of the present moment are of a nature and magnitude to authorise the present measure? I did not expect to hear any doubt respecting the first part of this proposition, but by the noble earl's argument, I think he denies that any circumstances of the country would justify it. He has blended his objections to the present measures, with his objections to the alien bill, and to those other measures of necessary precaution which the exigencies of the times have produced; as if this measure could not be justified on the simple consideration of its own specific case, without reference to the other measures alluded to; as if a certain quantum of the law of the land might be suspended in times of difficulty, which, if expended in the alien bill, would leave no supply for further provisions of that nature on the present emergency. In this way of arguing, it would certainly be difficult to prove that any specific circumstances could of themselves, at any time, justify the suspension of the Habeas Corpus act. Every emergency, however, certainly must have its separate consideration and its separate remedy. The alien bill had its necessity, which induced parliament to that measure; the present measure must be justified on its own distinct grounds. The noble earl labours to prove, that there are no existing circumstances of sufficient importance to justify this measure; in his opinion, neither the report of the Commons, nor that from your Lordships' committee, furnish any thing sufficiently defined to ground the suspicion of a dangerous conspiracy; nothing which the common provisions of law could not control. He argues also, that most of the papers have long ago appeared in newspapers and hand-bills; and he observes, that if they really had contained all the dangerous matter imputed to them, ministers were criminally supine not to apply for this increase of power sooner. Certainly, if the present measure was only to facilitate the punishment of the seditious matter in any of these papers, this measure would not be necessary; the common law would be sufficient to bring the authors to speedy trial, and exemplary punishment; but the increased boldness of these societies, their increased numbers, and their manifest designs, make it necessary to guard against the treasonable effects of these libels. It is against the treasonable acts springing from these libels that this measure is directed. The noble earl amplifies the value of the sacrifice required, and depreciates the danger as trifling or imaginary. That the Habeas Corpus act is the most valuable hold which liberty possesses is admitted on all hands, and that it ought not, on slight occasions to be dispensed with. I am willing to go farther and assert, that no constitution is safe and free, unless in its ordinary state of health and vigour, great latitude is given even to the wild range and fancy of reforming projectors: because some good may result from it, and the evils flowing from the intemperance of individual zeal in common circumstances may be with safety left to the usual provisions which law, circumscribed by the jealous spirit of liberty, has formed; but in difficult and suspicious times the secret enemies to the constitution of the country ought not to be suffered to collect and ripen their poison under the warmth and protection of that liberty they mean to destroy. On this principle alone have all the former in-

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stances of this measure been founded. The noble earl says, that the former instances have no resemblance to the present; and he seems to think the instances of 1715, and at other periods, were more justifiable, because they were in times of open rebellion. The noble earl's usual logic does not support him in this observation; a secret conspiracy having broken out into an open rebellion, could never be an additional reason for employing a power applicable only to secret enemies; it is not with the artillery of such an act of parliament that he would meet an open enemy in the field; it is only calculated to operate against enemies who conceal themselves, of which you have necessarily fewer when one half are in open war, and out of the reach of such an act. If all had taken arms, you would have none to apply it to. The eve of a rebellion is, therefore, the time when such a power must necessarily have its most effectual operation; it is lurking conspiracies of proved existence and danger, but of unknown resources and undefined extent, that call for this remedy, without which the flame might increase gradually under the cover and protection of law, until it burst forth with irresistible fury. A noble earl (Stanhope) has told us, that the revolution of France was the event of a moment; it is true, it was so; and the negligence of the government of any country, in suffering conspiracies to gain strength, and seduce the people under false pretences, will produce the same catastrophe. A conspiracy clearly proved need not be traced distinctly through all its branches and ramifications; its existence, and the danger to the state from its nature, are sufficient to justify the temporary suspension of that security for our liberty, which by law is our birth-right. But even during that suspension, parliament leaves responsibility attached to the discretionary power which it entrusts to ministers, and remains herself the watchful and jealous avenger of any injustice; nor is any individual deprived of his remedy at law for any wanton encroachment on his liberty. That there are sufficient grounds to apprehend great danger from lurking conspiracies in the present moment has been so fully and unanswerably proved by the noble secretary of state, from the documents contained in the reports, that it would be useless to go over the same ground; but I will venture to rest the proof of danger short of those arguments, and trust to the statement and observations of the noble lords who oppose this measure. They admit numerous societies to exist, corresponding with each other, canvassing for increase of numbers, complaining of the government of the country in all its branches, professing no expectation of any redress from the government which they complain of, and professing that they shall never apply either to the legislature or the executive power for redress, but shall depend upon themselves, and for that purpose shall summon a convention of all the people. All this some noble lords state as legal; they will, however, scarcely deny that they could not go much farther within the bounds of legality; and if they should take the noble earl's (Stanhope's) advice, (I do not mean to say that he regularly recommended such plan, when he told them, that nothing was wanting but pikes and resolution to give the people their amplest wishes), if, I say, these societies should make use of this hint, it would be difficult to maintain the assertion, that the constitution of the country was in no danger. When the government was brought, by these societies spreading discontent where it did not previously exist, into so critical a situation, that the secret distribution of arms would put the constitution of the country at their mercy, I should think it was time to take vigorous measures, to prevent the dangers which threatened. If, under these circumstances, the hands of government ought to be strengthened, how much more must it appear necessary, when the clearest hostility to the constitution is marked in all the proceedings of these societies, and when they have anticipated the hint of the noble earl, and begun to collect and secretly distribute arms? I therefore feel the necessity of surrendering for a time a portion of the security for my liberty, in order to enable the ministers of the country more effectually to deal with those who mean to overturn it.

The Earl of *Derby* said, it had never been contended that no case could exist which would justify the suspension of the Habeas Corpus act, but only that a case had not been made out in the present instance. The noble earl seemed to think, that the less the danger the stronger must be the measure of precaution. If so, every fence of the constitution might be broken down; and should the fortunate period ever arrive when there was no danger

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whatever not an atom of it would be left. The news of the day from France had been alluded to. No man could more regret than he did the degradation which human nature suffered by such acts; but he could not see how the mention of them had any relation to the question in debate. A learned lord had said, that all the facts stated in the report were highly seditious, but did not amount to treason. If they were only seditious, was not the ordinary course of law sufficient to punish and repress them? The persons charged with those acts were now in custody: where was, then, the necessity of new powers to bring them to justice, or to prevent them from doing future mischief? This surely was a proof that the danger, whatever it might have been, was now at an end. The noble secretary had dwelt on the numbers assembled at Chalk Farm. Did he mean to say, that all the persons who happened to be present were implicated in the purposes of the meeting? He could not but know that in the neighbourhood of London, a very few persons would soon collect a mob of several hundreds, merely from motives of curiosity. That the societies were preparing to distribute arms, was stated even in the report as a mere presumption, unsupported by proof. For these reasons, he deprecated a measure which he considered as called for by no adequate cause, and as an attack upon the constitution. His inquiries had fully satisfied his mind upon the subject, and whether he acted with the majority or the minority, with ten or with twenty, it was the same to his conscience. He feared no calumny, for he defied any man to quote an action of his life, that was hostile to the system of liberty protected by law, under which we enjoyed so many blessings.

The Earl of *Carlisle* entered into the reasons that had induced him to give his poor support to ministers, and reminded their lordships of the small beginnings from which very important events had arisen, particularly calling to their recollection lord George Gordon's mobs, which though objects of ridicule at first, had grown to such a serious height, as actually to awe the legislature, and subvert government for a week. He defended the bill, as being essential to the safety of the constitution.

Marquis *Townshend* said, that in his opinion it was safer, in a moment of emergency like the present, to confide powers in the executive government, than to leave it to individuals to take measures for their own security. Government, however, ought to be, and in his opinion were, responsible for the use which they made of these powers. On this view he acquiesced in the present measure, which he considered as justified by urgent necessity, and well adapted to avert the danger in question.

The Marquis of *Lansdown* began with observing, that it was the practice of all wise men to examine their measures by the rule of reason; and he recommended it to their lordships to examine the question of adjournment by that test. If ever a standing order deserved to be made into a law, it was that order which regulated the course of their proceedings, and gave to the people time to see and consider of the measures passing through the House, so as to enable them to come forward and assist parliament with their advice. What possible inconvenience could there be in the delay of a day? Suppose that the city of London should come up with a petition to their bar, would it not be for the interest of the kingdom that they should have the opinion of that respectable body? Ministers might, perhaps, wish to get rid of such opinion, as it was suspected not to be so favourable to their views as it was last year, for they did not, he believed, stand equally well with the city; but surely parliament ought, from considerations of prudence, as well as regard to their own dignity, to deliberate on a measure of such importance, and not debar the people from presenting their petitions against it. There could be no cause for precipitation. The principal persons engaged in the terrible conspiracy, he supposed were already taken up. They could not escape; and there had been no tumult on the occasion; no attempt had been made to rescue them: no Habeas Corpus ever had been moved for in their behalf, and there was no appearance in any part of the country to justify the haste of their proceeding. They should examine the precedents which were brought forward as grounds for the present measure by reason; and he would venture to say, that there was not one which would be found to justify the act by being in point. It was ridiculous to say that there was a precedent in this reign and in that reign, because in this or that reign the Habeas

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Corpus act had been suspended. Such a precedent could not be adduced. There was always heretofore a dire necessity proved, either of rebellion, insurrection, or of such real absolute necessity, as was made manifest to the minds of all men. Was this the case here? No such thing. No cause had been stated to justify the measure; and a learned lord had wisely said, that to strengthen the magistracy was all that the circumstances of the country seemed to require.—It had been said, that revolutions always sprung from the people, as an argument for alarm at the present inconsiderable persons being engaged in reforms. In his mind, the very reverse was the fact. Our revolution was brought about by a few men of superior sense and understandings, who saw that the thing was absolutely necessary, and effected it against the general opinion; and even in France it was by reading men—by men of rank and condition, that the revolution was begun; by men who saw and felt the oppressions of the government.—Was the present measure either just or political? As to its justice, it had not been made manifest. Committees had been appointed in both Houses composed of alarmers and alarmists. In former committees, impartial men had been placed; here they were all of one description, and their report was full of capital inaccuracies. It gave no information what the law could do; how far it could go to correct the existing evil; nor did it prove to the satisfaction of any thinking man any real cause for such a measure. It talked of societies: he was ignorant of the societies; he knew nothing of them but he looked at them with an eye of favour, as they seemed to be only sincerely desirous of obtaining a beneficial end, namely, a reform in parliament. They sought the same object as the society that met at the Thatched house in 1782 and if any reproach attached to the one body, the same, or even greater attached to the other, as the beginners. But what was the fact? The old Jacobins were persecuting the new. There was a vulgar proverb, which precisely described the parties. One set of men were best to catch another; a smuggler was the best man to set to catch smugglers; he would know all their tricks; he would suspect their practices by a consciousness of what he would have practised himself, if he had not been admitted into a snug birth in the customs; but though he was a proper person to catch his old companions would you invest him with powers to attack and ruin the fair trader? As to its policy, if it was the general opinion of the country that there should be a reform, do what they would to prevent it, sooner or later it would be irresistible. If their grievances were real, they ought to be redressed; and that they had real grievances was certain, for the commissioners of accounts, appointed by parliament itself, had reported on the enormous sinecures, expenses, and burthensome offices of government. They had complained of barracks and surely there had been a time since the Revolution when the erection of barracks would have given universal alarm and uneasiness to the country. It was not politic, to push men upon these subjects. They would grow desperate if ministers should go on, step by step, in encroaching upon their liberties. And what was the benefit to be expected? That there should be no meetings for the discussion of popular subjects. Was that a state of society to be wished for? Was it wise to break the spirit, destroy the vigilance, and allay in the breasts of the people all zeal for the constitution? Emigrations had been too frequent of late; not merely of people, but of wealth, industry, and talents. They would not diminish under such measures. He could not discover any distinction between the societies of which these alarmists were active members, and the societies which are made the subject of the present debate; their professed object being the same. The present crisis, and the present war were, without any precedent in history. The discontents of the people arose from the timidity of the ministers: and from what was consequent on that timidity, their ill-judged violence and oppression. What was to be the end of the present business? Was it meant to prevent any remonstrance against the present war? Were ministers to silence the people until they had no longer men or money to carry it on? Were they to continue it until this country, bleeding within and without at every pore, was completely exhausted? A law against Conventions as in Ireland, though a harsh measure, might be considered as mere milk and water to this: and seeing it in this view, he believed that ministers had other than their professed objects in their contemplation. They wanted to train up herds of informers, as was done

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in the reign of Charles 2nd, and even in that of king William and Mary, by whom men of another description from those now in gaol were to be attacked. What bishop Burnet said of the informers and forgers of those times, when the hands of peers were so dexterously imitated as to elude their own detection when shown them in that House, ought to make them cautious of a measure that might generate the same tribe. They ought not, upon mere school language to give up the great security of British freemen. For himself, he entered a solemn protest against the measure, and as he might not be present again, against any further measure they might attempt of a similar kind. He deprecated the delusions they were holding out; they knew well whether there were arms hoarded up in the country. No quantity of arms could be procured without their knowledge. The trade would know of orders to any extent; and they were so connected with the trade, that they had nothing to do but to send up for two or three of the principal masters to have immediate information. As to new fashioned arms, and the dramatic representations of pulling out daggers from under their cloaks, it was too contemptible a manœuvre for the good sense of the country. He advised them to go upon a broader ground of wisdom, and upon a larger line of policy, if they meant to extricate the country from the dreadful abyss into which they had plunged it. The motion of adjournment was a motion of the greatest propriety; nor did he conceive how their lordships could refuse their assent to it, without an open violation of their own rules and orders.

The Duke of *Leeds* began his speech with reading the following quotation from an anonymous author, on the measure in the year 1722: "Since persons of fortune and consideration can at this time of day think it worth their while to assist the interests of our late desperate traitors, by affecting a most unreasonable and ill-timed concern for the liberties of their country, I who have no advantages to expect from public confusions, need make no apology for appearing on the other side of the argument, and endeavouring to prove that the present measures of the administration are our only security against all those mischievous disorders in which the madness of disappointed rebels, and the wild spleen of our modern patriots would involve us."* Speaking of the present measure, the duke said, he had heard very little in the shape of argument against it; it most certainly was a serious one, and would be criminal but for the urgent necessity on which it was founded. He owned himself an alarmist of a long date; ever since the month of November 1792, From what he saw then, and what he had since seen, he entertained a considerable degree of apprehension; and he was convinced that if they did not arm government with large and sufficient powers, they would not long have any Habeas Corpus act to maintain or suspend.

The *Lord Chancellor* said, he would speak first as to the form and course of their proceedings. The precedent of 1722 was perfectly in point, only that so much pains had not been taken at that period in giving to the House full information on the subject; whereas, in the measure of the present day, whatever objection might be made to the measure itself, it could not be alleged that it had not been fully discussed; a great deal of extraneous matter had been introduced, but, on the real point at issue, there had been but little argument. After clearing away a vulgar error, that it was a suspension of the Habeas Corpus act, and that no action would lie for false imprisonment, that it was a full indemnity to ministers for all acts, and gave them the power of *lettres de cachet*, and that it was a revolutionary measure, which had been so ably done by a learned lord, there had been no contest about the principle. It had been admitted, that if there was a convention, or a meeting called by any other name, which aimed at giving laws to parliament, and the country, this measure would have been wise and salutary. The only difference, then, between them, was about the fact—whether these societies did really aim so to give laws to the country, or merely meant to obtain a parliamentary reform by legal and constitutional means. To prove that they meant nothing so little as a parliamentary reform (which he contended was tried, settled, and extinguished in 1781 and 1782), he went over the documents in the report, reading extracts to prove that the object of the societies was a reform of government, and something infinitely beyond a reform of parliament, declaring that the assertion that their object was a parliamentary reform, no more legalized the meeting, than "God save the King" written at the bottom of a seditious libel, could purge it of its libellous tendency. He ob-

* Boyer's Political State, Vol. 24, p. 397.

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served, that these societies originated at one of the worst periods of the French revolution, and described the late British Convention in Edinburgh, before it was crushed by the vigour of the magistrates, which was altogether on the French model, with their primary assemblies, their delegates, their president, their bell, their term of citizen, &c. all which had obviously, the French convention in view in their proceedings. Their numbers he could not ascertain. They probably exaggerated their number themselves. He did not think them so numerous as they pretended, but they were at least tenfold the number of those who began the riots in 1780. His lordship commented on the reasoning built on the low rank of the members, their little power to do mischief, &c. &c. and said, it was easy to treat as imaginary all dangers that were checked in the bud. One of the finest poets had said,

"Treasons are never own'd but when descry'd;
"Successful crimes alone are justified.

He had no doubt the House would see the necessity of placing the confidence in ministers which this bill designed, and that it was a seasonable measure of precaution to guard all that was sacred in the country from immediate danger.

The House divided on the question of adjournment; Contents, 9; Proxies, 2—11. Not-contents, 108; Proxies 11—119.

The bill was read a second time and committed. Earl Stanhope next moved, "that the House do now adjourn," which was negatived. It was then moved, "that the bill be now read a third time." On this the House divided: Contents, 92; Non-contents, 7.

The bill was then passed.

Protests against the Habeas Corpus Suspension Bill.] The following Protests were entered on the Journals:

"Dissentient,

"Because I abhor the idea of establishing a dangerous and unconstitutional system of letters of cachet in this country.

"STANHOPE.

"Dissentient,

1st, "Because no evidence has been laid before us, that this kingdom is at present in those circumstances of imminent danger and imperious necessity which alone, in our opinion, would justify even the temporary surrender of that sacred fundamental law which is the sole guardian of the personal liberty and security of our fellow-subjects. None of these circumstances, either of foreign invasion or of domestic insurrection, or of formidable conspiracy, now exist which induced our ancestors to commit their liberties to the perilous guardianship of a despotical authority. Instead of such an unequivocal public danger, which silences all deliberations and over-rules all laws, we are now required to vest an arbitrary power in his majesty's ministers upon the authority of a detail of the offences of individuals or societies, whose strength and numbers are not proved to our apprehension to be such as would justify such a measure as the present, especially as the ordinary operations of the law are sufficient to check the spirit which is supposed to prevail. One of the worst effects of the conduct of these societies is, their having operated as the instrument for former artificial panics, and as a pretext for former measures, in our opinion the most hazardous and pernicious. They continued the same conduct without injury experienced by the public, without accession of strength, without the proof of any change in their systems or designs. We cannot therefore, without betraying the trust reposed in us, consent to resign the liberties of all our fellow subjects to the discretion of the servants of the crown, on no better ground than that of a catalogue of offences which have been long notorious to the whole kingdom.

2dly, "Because even the proof that some individuals entertain those desperate designs which have been ascribed to them would not, in our opinion, form any justification of the present measure. From the Revolution to the complete defeat of the pretensions of the House of Stuart the wisdom of our ancestors did not deem the existence of a zealous, powerful, and indefatigable Jacobite party a sufficient reason, without overt acts of rebellion, or actual existing conspiracy, for subjecting the personal liberty of the whole kingdom to the will of ministers. Miserable indeed, and precarious is our condition, if, at the pleasure of a handful of visionaries and incendiaries (characters which every age produces, and disguises which the agents of every government may assume), our liberties are to be laid under a legal interdict, and ministers are to be vested with an arbitrary power over the persons of all the freemen of this realm.

3dly, "Because, even if the danger had been as real and imminent as is pre-

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tended, it might have been provided against by measures far less odious than that of depriving the subject of those rights of personal security which distinguishes the British constitution beyond any other free government, ancient or modern, and changing it for the time from a government of law to a government of will. One expedient, comparatively more moderate, is obvious, namely, to put the law respecting bail for misdemeanors which affect the state for a limited time on the same footing with bail in cases of treason.

4thly, "Because this bill appears to us, under a still more melancholy and alarming aspect, when we combine it with declarations which have been made by considerable persons during the dependance of this bill. Even this, the utmost extremity to which our ancestors were ever driven, by the pressure of the greatest danger, is but the prelude to a system of measures (if possible) still more violent and arbitrary. These menaces too forcibly illustrated by some past measures, in our opinion of a rigour equally impolitic and odious, fill us with the most melancholy apprehensions that designs are entertained by a progressive series of encroachments, to annihilate all the rights of Englishmen, and to extinguish all the free principles of the British constitution.

5thly, "Because the precipitation with which this bill has been hurried through the House is both indecent in itself, and directly repugnant to two standing orders of this House, one of the 28th of June 1715, and the other of the 28th April, 1699, standing orders which insure to this House the advantages of mature deliberation, and to the subject the invaluable privilege of petitioning against measures which, like the present, are subversive of his fundamental rights.

(Signed) "ALBEMARLE.
"BEDFORD.
"LAUDERDALE.
"DERBY."

Mr. Burke's Complaint of a Speech of Lord Thurlowre flecting on the Report of a Committee of the House of Commons.] May 23. The Report of the Committee of the House of Commons on the Causes of the Duration of Mr. Hastings's Trial [see p. 288], having been printed for the use of the members, was shortly after reprinted and published in the shape of a pamphlet by Mr. Debrett of Piccadilly. In consequence of which, in the course of a debate in the House of Lords on the 22nd instant, lord Thurlow took occasion to mention "a pamphlet which, his lordship said, was published by one Debrett in Piccadilly, and which had that day been put into his hands reflecting highly upon the judges and many members of that House: it was disgraceful and indecent: and such as he thought ought never to pass unpunished. He considered that vilifying and misrepresenting the conduct of judges and magistrates entrusted with the administration of justice and the laws of the country, was a crime of a very heinous nature, most destructive in its consequences, because it tended to lower them in the opinion of those who ought to feel a proper reverence and respect for their high and important stations; and when it was stated to the ignorant and the wicked, that their judges and magistrates were ignorant and corrupt, it tended to lessen their respect for, and obedience to the laws of the country, because they were taught to think ill of those who administered them." Mr. Burke called the attention of the House of Commons to the above circumstance in the following speech:

Mr. *Burke* said:—Mr. Speaker; the licence of the present times makes it very difficult to talk upon certain subjects in which parliamentary order is involved. It is difficult to speak of them with regularity, or to be silent with dignity or wisdom. All our proceedings have been constantly published, according to the discretion and ability of individuals, with impunity, almost ever since I came into parliament. By prescription the people have obtained something like a right to this abuse. I do not justify it. The abuse is now grown so inveterate, that to punish it without a previous notice, would have an appearance of hardship, if not injustice. These publications are frequently erroneous as well as irregular, but not always so: what they give as reports and resolutions of this House, have sometimes been fairly given.—It has not been uncommon to attack the proceedings of the House itself, under colour of attacking these irregular publications; and the House, notwithstanding this colourable plea, has, in some instances, proceeded to punish the persons who have thus insulted it. When a complaint is made of a piratical edition of a work, the author admits that it is his work that is thus piratically published; and whoever attacks the work itself in

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these unauthorized publications, does not attack it less than if he had attacked it in an edition authorized by the writer.—I understand, Sir, that in a place which I greatly respect, and by a person for whom I have likewise great respect, a pamphlet, published by a Mr. Debrett, has been very heavily censured. That pamphlet, I hear (for I have not read it), purports to be a report made by one of your committees to this House. It has been censured (as I am told) by the person, and in the place I have mentioned, in very harsh and very unqualified terms. It has been said, and so far very truly, that at all times, and particularly at this time, it is necessary for the preservation of order and the execution of the law, that the characters and reputation of the judges of the courts in Westminster-hall should be kept in the highest degree of respect and reverence; and that in this pamphlet, described by the name of a libel, the characters and conduct of those judges upon a late occasion have been aspersed, as arising from ignorance or corruption.—Sir, I think it impossible, combining all the circumstances, not to suppose, that this speech does reflect upon a report which, by an order of the committee on which I served, I had the honour of presenting to this House. For any thing improper in that report I am responsible, as well as the other members of the committee, to this House, and to this House only. The matters contained in it, and the observations upon them, are submitted to the wisdom of the House, that you may act upon both in the time and manner that to your judgment may seem most expedient, or that you may not act upon them at all, if you should think it most useful to the public good. Your committee has obeyed your orders; it has done its duty in making that report. I am of opinion, with the eminent person by whom that report is censured, that it is necessary, at this time very particularly, to preserve the authority of the judges. This, however, does not depend on us, but upon themselves. It is necessary to preserve the dignity and respect of all the constitutional authorities. This, too, depends upon ourselves. It is necessary to preserve the respect due to the House of Lords; it is full as necessary to preserve the respect due to the House of Commons; upon which (whatever may be thought of us by some persons) the weight and force of all other authorities within this kingdom essentially depend. If the power of the House of Commons is degraded or enervated, no other can stand. We must be true to ourselves: we ought to animadvert upon any of our members who abuse the trust we place in them: we must support those who, without regard to consequences, perform their duty.—For your committee of managers, and for myself, I must say, that the report was deliberately made, and does not, as I conceive, contain any very material error, nor any undue or indecent reflection upon any person. It does not accuse the judges of ignorance or corruption. Whatever it says, it does not say calumniously. This kind of language belongs to persons whose eloquence entitles them to a free use of epithets. The report states, that the judges had given their opinions secretly, contrary to the almost uninterrupted tenor of parliamentary usage on such occasions. It states, that the opinions were given, not upon the law, but upon the case. It states, that the mode of giving the opinions were unprecedented, and contrary to the privileges of the House of Commons. It states, that the committee did not know upon what rules and principles the judges had decided upon those cases, as they neither heard them, nor are they entered upon the Journals. It is very true, that we were and are extremely dissatisfied with those opinions, and the consequent determinations of the Lords: and we do not think such a mode of proceeding at all justified by the most numerous, and the best precedents. None of these sentiments are the committee, as I conceive, (and I full as little as any of them), disposed to retract, or to soften in the smallest degree.—The report speaks for itself. Whenever an occasion shall be regularly given to maintain every thing of substance in that paper, I shall be ready to meet the proudest name, for ability, learning, or rank, that this kingdom contains, upon that subject. Do I say this from any confidence in myself? Far from it! It is from my confidence in our cause, and in the ability, the learning, and the constitutional principles, which this House contains within itself, and which, I hope, it will ever contain; and in the assistance, which it will not fail to afford to those, who with good intention do their best to maintain the essential privileges of the House, the ancient law of parliament, and the public justice of the kingdom.

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No reply or observation was made on the subject by any other member.

Debate on Mr. Sheridan's Motion for the Repeal of certain Military Tests.] May 26. Mr. *Sheridan* said;—I now rise to make a motion which I have been under the necessity of deferring oftner than I could wish at the request of ministers; but I trust the delay will produce one good effect, because the measure requires but consideration to obtain assent. I cannot presume, from any better authority than my own opinion, that it is the case; but I really cannot perceive any possible objection to the measure, except the quarter whence it originates. It is a measure that would have come with much more propriety from that side of the House; and I had, for some time, a hope that they would have been of the same way of thinking and prevented me the necessity of bringing it forward. This measure is, however, more likely to be successful, as it is totally unconnected with party, and has arisen incidentally from the circumstance of the emigrant corps bill. Another circumstance which I think in favour of the bill which I shall have the honour to propose is, that it is not founded upon any petition or claim of that body of people for whose peculiar benefit it is intended; for, at a time like the present, when his majesty is calling for the aid of all descriptions of his subjects in support of the constitution, it might, perhaps, be improper in those persons to petition for even what they must feel no more than in natural justice should be granted, because such a petition might carry on the face of it something like a demand; and on the other hand, it might be as improper for government to make a voluntary offer of relief, because such an offer at this time might be considered as a bribe.—It is my opinion, that all those penal statutes which make distinctions between one class of his majesty's subjects and another, are distinctions which every man of good sense and humanity must wish to see done away one time or another. I am one of those men who respect the prejudices, as well as the rights, of the people, because I consider those prejudices as originally inspired by government for wise and beneficial purposes. When we were struggling for our constitution and religion against a popish prince, supported by a strong party in the country, whose religious and political opinions were equally hostile to civil liberty, great pains had been taken to create in the minds of the people, an abhorrence from entrusting in the hands of Roman Catholics any share of power or authority. When such prejudices have been planted and cherished, and, after government has reaped the benefit of them, I hold that it would be highly unjust in that government to turn short round, and insult those very prejudices they have taken so much pains to create, and tell the people at once, you shall no longer entertain such foolish and ridiculous opinions. We propagated them to oppose a temporary danger, which no longer exists; therefore you must now dismiss them. The dangers apprehended from the Roman Catholics, and the prejudices against them, are removed from the mind of every rational man. —The riots which happened in the year 1780, when a measure for the relief of the Roman Catholics was brought forward in this House, should not deter us from adopting any measure in favour of them at this time: those troubles did not arise from the mere apprehension of the relief to be granted to those people, but from a universal discontent which at that time prevailed against the general system of measures which were adopted, and from the criminal neglect of those whose duty it was to prevent them. Besides, in the last fourteen years, the progress of the spirit of toleration has been very great; and it is now more generally thought that men are rather too inattentive, than too apt to mark the difference in religious opinions. If, then the danger and prejudice are both gone, it remains only to consider the inconvenience or advantage which can arise from allowing Roman Catholics in the army or navy in the same manner as any other of his majesty's subjects. When we are embodying an army of French Catholics, does it not appear preposterous to exclude an English Catholic from serving his country in a military capacity? Indeed, this first suggested to me the necessity of the present measure. It is preposterous in another instance to prevent the employing Roman Catholics in the army and navy in this country; for, by an act passed the last year in the Irish parliament, Catholics were permitted to serve in the army as officers under the rank of the staff. Now, supposing that

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any of these officers should be ordered upon duty to England; can any thing be more absurd and preposterous, than that those men should be subject to heavy penalties for bearing the king's commission, which they do in strict conformity to the laws of their own country? It is in itself a circumstance so extravagantly ridiculous, that I am persuaded it would not have been suffered to exist so long, had not the attention of ministers been drawn off to matters more urgent, and more seriously important. And that this is the case, I am warranted in saying, from a review of the proceedings in the Irish parliament during the discussion of this question. The authorities that I shall quote are of high rank, and men that may be supposed acquainted with the intentions of government, Mr. Hobart and the lord chancellor. When the bill for the relief of the Irish Catholics was introduced into parliament, Mr. Hobart observed, "that, with respect to the admission of Catholics into the army or navy, any change must depend upon England; that such a measure was in contemplation in England, and a communication had been made on the subject." And in a debate in the upper House, on the clause for enabling Roman Catholics to accept of employments in the army and navy, lord Farnham started as an objection to the clause, "that, till a similar law was passed in England, Catholic officers could not attend their regiments, if ordered into England upon duty: he wished, therefore, that Catholics should not be eligible to military commissions, until the same principle should be adopted in England." In reply to this, the lord chancellor said, "that the clause went merely to enable Roman Catholics to accept military employments; but it was not to be supposed that his majesty would appoint men on such posts, before the laws of the empire should qualify them to act in every part of it; and that it was more than probable that a similar law would be passed in England before the expiration of two months." Such were the declarations of men in habits of official communication with ministers; and I therefore think myself justified in supposing that the proposition I am now to make, was intended, and omitted to be done merely through an accidental want of leisure.—I must beg leave to remind the House, that Catholics do not stand in the same situation with Protestant dissenters in this respect; for a Protstant dissenter may, if he chooses to run the risk of incurring the penalties, serve in the army, and the offer of his service would not be rejected. Besides, the act which is annually passed in this House, allowing persons a longer time to qualify, affords them some protection, while it is at the same time a proof of the injustice and inconsistency of these tests: but a Roman Catholic would be rejected if he made such an offer; and at this moment there is a strong instance of the difference made between these two classes of dissenters. A Mr. Weston, a Roman Catholic, who had been appointed a lieutenant-colonel in one of the new-raised corps, which he himself contributed largely to raise, has been superseded in his command by ministers, or at least his commission has been refused to be signed. This gentleman is, as far as I can learn, one of the most respectable men in the county where he resides; and, what is more extraordinary, strongly attached to the right hon. gentleman and his measures, in which, to be sure, he differs something from me: but is it not an extreme hardship, that the Roman Catholics, who are so distinguished for their loyalty, and attachment to the government, should be prevented at this time from proving that loyalty and fidelity? The Roman Catholics, almost to a man, have contributed voluntarily to the necessities of their country, and yet these men, who give every proof of attachment in their power, are to be refused the liberty of using arms in defence of their property and their country! I do not mean to pass any censure on administration for refusing commissions to these men, because they act in obedience to the law, but I wish to ask them, is it fit this law should remain? Another preposterous effect of this law against Roman Catholics is this: supposing one of those commands usually filled by the senior officer became vacant on the continent during the war, if the officer next in command chanced to be a Roman Catholic, to succeed to the command, he must prove himself a Frenchman, for neither an Irish, or, what is more extraordinary, an English Catholic would be eligible, whilst a Frenchman, under the Emigrant Corps bill, might succeed to any command in the army. I purposely avoid going into the general question of test acts and disqualifying laws; I could wish to see them

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all erased from your statute books, to which, in my opinion, they are a foul disgrace; but I will not attempt more than I think will be likely to be granted, and have therefore confined myself to military and naval, leaving all civil employments to remain as they are.—Mr. Sheridan then moved, "That leave be given to bring in a bill to prevent certain Qualifications, at present established by law, from being required for the future, from persons who shall bear Military Offices."

Mr. Secretary *Dundas*.—I most certainly agree with the sentiments of the hon. gentleman with regard to the loyalty and attachment of the Roman Catholics to the constitution, and am willing to give them their just tribute of applause; but it will readily occur to every member, that though the hon. gentleman has confined his speech to the case of the Roman Catholics, his motion includes dissenters of every description, and goes to the repeal of all religious tests whatever. This is a subject which has been more than once discussed in this House, and upon which it has often decided; therefore it is unnecessary, at this time, for me to deliver any opinion whatever on its merits. The present I do not conceive to be a proper time for advancing any such opinion; I shall therefore move the previous question.

Mr. *Fox*.—I have not heard any reply whatever to the inconsistency of keeping Irish Catholics subject to the severest penalties in this country, who have accepted commissions under his majesty in conformity with the laws of their own. The distinction made between the Catholics and Protestant Dissenters by the right hon. gentleman, I cannot pass over without a few remarks. In my opinion, the case of this class of men is extremely hard indeed. No men less merit harsh treatment, or are more justly entitled to all the privileges of Englishmen, than our brethren the Dissenters; for it is to them we owe more than to any other description of men—the constitution we now enjoy, and which we so lavishly praise. They have ever showed themselves ready to stand forth in defence of their country, when danger has threatened, and have totally disregarded all thought of personal safety; and on this account, if on no other, I consider their situation a disgrace to the nation. In 1715 they were called on, and they answered your call: in 1745 they were called on, and they answered your call: and even in the present reign their services were called for, which they as liberally granted. But what is done after these men use such exertions for your benefit? An act of parliament is passed. What, to reward them for their services? No; but as an act of grace and pardon for the violation of the existing laws, which they have committed by taking up arms in so meritorious a cause as the defence of their king and country! While the delusion of Jacobitism prevailed, it was not, perhaps, prudent to agitate their claims to national justice; but now, as this apprehension of danger is no more, the legislature is bound in honour to remove the odious distinctions with which they are branded, more especially those which preclude them from serving their country in a military capacity. It is the duty of every government to preserve honour and integrity towards its subjects. Let the country, therefore, draw the line: either admit Dissenters to equal rights in time of peace, or give up their services in times of danger and necessity. Let us not continue to use these men in seasons of difficulty and distress, and deny them a share of our privileges in the season of security and happiness. As I understand the question at present, there seems no objection in point of principle and propriety, but merely to the time of bringing it forward; I shall therefore feel less regret at its being postponed by the previous question; but if not now, at least at some early period, let the stain be removed which tarnishes both our national honour and our national honesty.

Mr. *Robinson* disapproved of the previous question, because it seemed to countenance the principle of the hon. gentleman's motion, to which he objected entirely, as being a dangerous innovation.

Mr. *William Smith* said:—I should not trouble the House on the present occasion, were it not on account of what has fallen from the right hon. secretary respecting the Dissenters, who, though they may be pleased that such a bill should pass, as it may tend to remove some portion of odious suspicion under which they at present seem to live, have never been consulted on the subject by the hon. gentleman who brought it forward. I merely say this, that it may not be imagined that it has been brought forward at their suggestion. The Dissenters certainly would be well pleased with free admission into the army and navy, as a proof that their

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attachment to the constitution is not suspected, but they do not desire to receive as a boon, what they may justly claim as a right. The Indemnity bill, which has been passed whenever it has been thought necessary to require the services of these men, to shield them against the severity of the law, is a miserable subterfuge of government, and a libel on the laws which render such a bill necessary: but regardless of personal safety, and in defiance of every risk from the operation of those unjust laws, the Protestant Dissenters have ever been, and always will be, ready to stand forward in times of public danger and difficulty, in the defence of their constitution and their country.

The previous question was put and carried.

Debate on Mr. Fox's Motion for putting an end to the War with France.] May 30. In pursuance of the notice he had given,

Mr. *Fox* rose and said, that thinking as he did of the present lamentable and disastrous war, he should not do his duty, if he did not once more, before the close of the session, give the House an opportunity of considering the situation in which the country stood with respect to that war, and of reviewing the events which had led to that situation. On the war itself little now remained to be said: his present object was, to call the attention of the House to particular facts that admitted of no dispute, and the inferences which every unprejudiced and dispassionate man must draw from those facts. First, then, as to the origin of the war: he had always considered as one of the greatest advantages of a free constitution, the publicity of all the acts of government; and thence he had hoped, that it was impossible for us to be plunged into a war upon false pretences, for one thing to be held up to the people as the cause, and another to be pursued by ministers as the end. Here, however, his hopes had deceived him. At the commencement of the last session of parliament, the language of ministers, and the language of the House, breathed nothing but the strictest neutrality. It was not merely in the beginning of the French Revolution that this language was held, but after the king had been dethroned, and many of those atrocities had been committed, at the view of which every feeling mind shrunk with horror. Ministers professed then to think that we were not to look to the conduct of another country in its internal affairs, as the criterion of peace or war; and, although many acts had been done in France of which it was difficult to say whether they were more calculated to move pity, or excite indignation, still they pretended to court peace and neutrality.—They said fairly, that if the French should make an unprovoked attack upon any of our allies, or pursue plans of aggrandizement, which, if accomplished, would render it difficult to oppose any attack they might afterwards make, we must take part in the war. Great pains were taken to persuade the House, that their attempt to open the navigation of the Scheldt was an aggression upon our allies the Dutch; and however ludicrously or contemptuously that had been since treated as the cause of the war, he appealed to the recollection of the House whether it was not at first the point principally insisted upon. To settle the dispute upon this point, he had recommended negociation to the House, and the House refused to adopt it. But although the House decided against it, the ministers thought it convenient to follow his recommendation. They had recourse, not to an open and manly, but to an underhand and equivocal mode of negociation, which, even if meant honestly could hardly fail of defeating its own purpose. In every dispute, the first step towards an accommodation was, to show the other party that we did not mean to treat them with contempt. But ministers, in their negociation, by their inimical conduct, by refusing to acknowledge that those with whom they were treating had any power to treat, took the sure course of rendering it ineffectual. Their object was, to pretend a negociation, and to pursue such means as must make it fail. It failed accordingly. Even after that, nothing was said of interfering in the internal government of France. On the contrary, it was asserted by those who were in the confidence of his majesty's ministers, and by ministers themselves, that the form of the French government at that time, or whatever future form it might assume, was not a fundamental objection to peace. During the recess, several declarations were published in his majesty's name, very inconsistent with our former professions of having gone to war only to repel an unjust aggression on our allies, and an unprovoked injury offered to ourselves. When Dumouriez

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declared against the Convention, and proposed marching to Paris, to restore the monarchy, the prince of Saxe-Cobourg, in the name of the emperor, issued a proclamation, by which he acceded to the constitution of 1789, and declared, that whatever strong places should be given up to him, he would hold in trust for Louis 17th till that constitution should be restored. True it was, that proclamation was almost instantly retracted, to the disgrace of all those who were parties to it. Whatever might be the fate of his present motion—whatever might be the issue of the war, the time he hoped would come, when we should clear ourselves in the face of Europe from the infamy of having been accessaries in that transaction. The emperor, as dead to all shame, as unfeeling with respect to every principle of justice, retracted his proclamation before it could be known what effect it might have produced on the people of France, and within five days after it had been issued. What could be found to match this, even in the conduct of those who governed France? It appeared to be done as if the emperor had feared, that the king of Prussia's perfidy to Poland might stand unparalleled, and he himself could not be considered as a fit member of the confederacy, till he had done something to keep his ally in countenance. In a cause, which we were so often told was the cause of morality, virtue, and religion, he trusted that his majesty, for his own and the national honour, would disclaim all participation in or approbation of such acts. The surrender of Toulon was considered as a fit occasion for declaring the intentions of ministers. Lord Hood took possession of it on the express condition of maintaining the constitution of 1789, and pledged himself to protect all Frenchmen who should repair to that standard. A declaration in the name of his majesty, afterwards came out, different, indeed, from this; verbose, obscure, and equivocal, like the production of men who were afraid of saying any thing distinctly, who wished not their meaning to be clearly understood; that, stript of all the elegant rubbish with which it was loaded, declared only this,—that the restoration of monarchy, without specifying of what kind, was the only condition upon which we could treat with France. Thus did our avowed objects progressively change. It would be said, that we might fairly enter into a war with one view, and afterwards, as the alteration of circumstances made it necessary or convenient, change that view for another. Be it so, for the sake of argument; but it became not us to say that we were fighting in defence of morality, religion, and the rights of civilized society, who had entered into the war about the navigation of the Scheldt. We had confessed that this was the object for which we began the war, and we were not now to boast of higher motives. But for this aggression on our ally, the cause of morality and religion would have been left to other defenders. If the change of object was a question of policy, let it be so considered. What had appeared to make it more politic now than at the commencement of the war? Had our experience at Toulon, the success of the earl of Moira's expedition, or the internal state of France, convinced us that we had a better prospect of terminating the war by the aid of Frenchmen than before? We had disclaimed peace with the present rulers, and we had disclaimed interfering in the internal government of France. But how had we disclaimed interfering? We were actually interfering, and our interference was of the most objectionable kind. We said that our object was not to build up a government for France, but to destroy the system which now domineered in it. Suppose this point gained, were we to leave the French, thus deprived of every thing like a government, to settle one for themselves? Were we to say to them, "You, of whose wisdom, moderation, and humanity we have had such proofs, and entertain so high an opinion, assemble again by your delegates as you did in 1789, and build up a government to your own liking, a monarchy, a republic, no matter what, so it be not Jacobinism?" Thus we should propose to let loose the French again to that state from which we wanted to recall them, and to renew all those horrors which we had so often deplored. This mode of interference, was only politic inasmuch as it was faithless. It might be hoped to unite in our favour all those who hated the present system; but of these how many must be deceived! One man might join us because he wished for the restoration of the old despotism, another because he wished for a limited monarchy, a third for a republic on better principles—and each confiding that our views were the same with his own. Two of these at least must

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be disappointed, perhaps all the three. Was this, he asked, mere theory? Had not a noble lord (Mulgrave) told the House that such was the state of the people at Toulon, almost equally divided between abhorrence of the old government and abhorrence of the new? and when there was neither foreign force, nor the cruel rigour of the present system to control their passions, would they not break out into acts of open contest and violence? But what he thought most to be complained of, was, that we had been drawn into the war upon professions of neutrality, if neutrality could be preserved, and were now called upon to persist in it, on declarations directly opposite; that the people had been deluded by false pretences, to spend their money and their blood for purposes to which, if fairly stated to them in the first instance, they would not have consented; and being once engaged in the war, were told that they could not get out of it. He had often been puzzled to divine what were the motives upon which ministers themselves were acting. During part of the last campaign, he thought they meant to adhere to their professed intentions. While a civil war was raging in La Vendée, we took Valenciennes and Mentz. The garrisons of those places we bound not to serve against any of the allies for a stipulated time but, we did not prohibit them from bearing arms against the royalists in La Vendée. In fact, we did as much as if we had sent them against the royalists, for we dismissed them without the possibility of being employed but only there. This was, perhaps, meant to show that they disclaimed interfering in the internal government of France; and to refute as calumnies, the allegations that to interfere was their express, although not their avowed object. In the subsequent part of the campaign, the effect of this conduct was completely effaced in one point of view, but not in another, for the reproach of it still remained. It was effaced by the declarations at Toulon, by the king's manifestoes, and by preparing an army for the avowed purpose of co-operating with those very royalists.

He had thus shown the inconsistencies of ministers and their supporters with respect to the professed object of the war, but these were not all. They had formerly contended, that if we suffered France to aggrandize herself at the expense of the emperor and the king of Sardinia, we might have to contend against her increased power, when our present allies, offended at our neutrality, would not assist us. He had never been able to see the force of this argument. He had always imagined that what we should be principally called upon to furnish in any war with France, would be money; and that our continental allies would not refuse to accept of subsidies from us at any time. What was now the fact? Did we fear that the emperor would make peace with France too soon, if we did not interpose? Fortunate for Europe would it have been if he had done so; and the barrier of the Netherlands, which the mistaken policy of a former reign had demolished, might have been restored. Would the king of Prussia have withdrawn himself sooner, or might he not have been prevailed upon by a subsidy to lend his troops as he had done now—as the emperor might soon do also? Besides our engagements with the king of Prussia and the emperor, we had entered into various conventions with other powers. One of these, the treaty with the king of Sardinia, had been the subject of discussion before, and it was unnecessary to enlarge upon it again. But in this had we any equivalent for what we engaged to perform? On all the occasions referred to as precedents in the former debate, we had to fear that the king of Sardinia might join our enemy, and to bring him over to our side was a material advantage—Was there any danger of his joining France in the present war, if we had left him to his own councils? His neutrality would have been much more advantageous to the allies than his assistance. But it was said he might make a powerful diversion in our favour, and by drawing off a considerable part of the French force to the South, facilitate our operations in Flanders. At present, the diversion he made was, by an incursion of the French into his own territory. Would he, with his British subsidy, be able to defend his own dominions, and protect Italy? Clearly not, and the safety of Italy must now depend on a great Austrian force. From such information as was accessible to every man, he heard of nothing but the success of the French on the side of Italy, and, what was still worse, the disposition of the people in their favour, who hated nothing more than they did both the Austrian and Sardinian government. The French had

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entered Piedmont at two points, were threatening Turin, and could only be repelled by an Austrian army. In whose favour, then, was the diversion by subsidizing the king of Sardinia?—of the French, who employed a force in that quarter which they could not, perhaps, have transported to the North; and against the emperor, whose exertions in Flanders, must be weakened by the exertions he was thus obliged to make in Italy.

All the conventions entered into by us contained a clause by which the contracting parties bound themselves not to lay down their arms, while any part of the territory of either of them remained in possession of the enemy, and this was to extend to all powers who should accede to the confederacy. Ministers were formerly asked, whether the emperor and the king of Prussia had acceded to this guarantee? It was unnecessary to ask them that question now; the king of Prussia had laid down his arms, till he was bought by our money to take them up again; and the emperor had refused to agree to the clause. Thus, we alone were bound to continue a war, now declared to be a war *ad internecinum;* and consequently of incalculable duration. We entered into a treaty with the king of Prussia, by which neither party was to have laid down arms, but by consent of the other. From this engagement he escaped by a loop-hole; for as none of his dominions were within reach of the enemy, he had only to withdraw his troops from the scene of action, and tell us that he had made peace with France. But he was bound to continue war in other parts, till the objects of it were obtained. But did he not get rid of this by another loop-hole, under the words, "as long as circumstances will permit?" Such was his engagement in July, 1793. What change of circumstances had happened in February, 1794? Had he sustained losses? Had he suffered defeats? No. The campaign, ministers assured us, had been most successful; but he had discovered that war had a tendency to exhaust his finances! he had found out a circumstance which it was impossible to foresee, that his victories would cost him something! This was the unlooked-for circumstance that would not permit the king of Prussia to continue the war. Had the public been told in July, 1793, that the treaty was binding upon him only for the rest of the campaign, they would have seen it in a very different point of view. The war was called the common cause of the civilized world, and all Europe, we had been assured, would join us in it. A great confederacy, indeed, had been formed: but many of the powers of Europe had not joined us, and it was reasonable to conclude that they had not the same apprehensions of danger. If the general interest were to be admitted, the emperor had still a more particular interest than we had. He contributed large armies, but no part of the subsidy to Prussia. It was even said, that ministers asked him to pay his share, but that he refused: hence it was clear, that all the money must be supplied by us and the Dutch. The emperor possessed various and rich dominions remote from the seat of war. From these he could not draw supplies in money. Even the part of his territories the most exposed to the enemy, more abounding in wealth than almost any country, this excepted, refused to assist him, so that he was obliged to come here for a great and heavy loan. The propriety of allowing a foreign power to draw money out of this country by loan, he would not now discuss. His opinion was, that it was best to leave individuals to their own judgment. But the loan showed that the emperor had no resource but here. If the loan should fail, where was he to go? Or if he wanted another next year, and could not obtain it, must he come, like the king of Prussia, for a subsidy? How could we refuse him, if it was true that the existence of Jacobinism in France was incompatible with our safety as a nation? Must not we give subsidy after subsidy, while the war was going on with various success, and the end of it, on the only terms on which we said it could be ended, was too remote for speculation?

The consequence which he drew from all this was, that we ought to think of some rational mode of obtaining peace. That could only be effected in one of three ways—by treating, by compelling the enemy to submit to our own terms, or by treating with sufficient force in our hands to induce compliance with reasonable demands. The House had never sanctioned the dangerous speculation, that to secure England, we must destroy Jacobinism in France. The experience of ages had proved it to be the will of Providence, that monarchies, oligarchies, aris-

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tocracies, republics, might exist in all their several varieties in different parts of the world, without imposing the necessity of endless wars on the rest. The argument for peace had this advantage, that if peace should fail, we might then resort to war; but from war to peace, if that experiment should fail, the transition was not so easy. The French government had existed for two years. A powerful confederacy had been formed, numerous armies and great generals employed against it, and yet internally it appeared to be stronger than ever. In the first campaign, the duke of Brunswick, at the head of a veteran army, had been compelled to retreat, and the Austrian Netherlands were over-run. In the second campaign, armies still more formidable had been brought into the field, and it had been, as ministers boasted, not merely successful but brilliant. Yet the French government internally remained untouched by our disasters or our successes. If this was the dreadful situation in which we were placed,—if we were at war with a nation that rose in numbers and enthusiasm as much on our victories as our defeats we must adopt the principle,

Nil actum reputans, si quid superesset agendum.

We had done nothing while any thing remained to do. We might take islands in the West-Indies; we might even circumscribe the European territories of France; but while the nation remained we were no nearer peace. This was a situation, melancholy and deplorable at any time, but much more so when we adverted to the inability of our allies to go on, but as we could afford to pay them. But if we chose to revert to the old maxim of state policy, that the internal anarchy of France, or of any other country, was no concern of ours, then, indeed, our successes in the East and West-Indies would tell in our favour. Far was he from undervaluing those successes, or the merit of the gallant officers by whose valour and skill they had been achieved, but he wished them to prove not merely a source of glory to the officers, but of solid advantage to the country. The settlements and Islands we had taken in the East and West-Indies, were excellent materials for negociation, but nothing for overturning the present government of France. If we aimed only at a safe and equitable peace for ourselves and our allies, they might be restored for restitution of what had been conquered from any of those allies, or kept as indemnity for the past and security for the future, as the relative circumstances of the war and our engagements might point out.

He therefore wished the House and the country to consider, whether we had not now the means of making peace; for, on the terms on which ministers said it could alone be made, he despaired of ever obtaining it. They said formerly, that France was not in a negociable state, that there was no man in it who could answer for the conduct of another. Was this the present state of France? He was little inclined to pay any compliment to tyranny, but it was surely in the power of tyranny, while it lasted, to coerce its own subjects. If the present rulers of France thought proper to declare war against any neutral nation, even against America, did any man doubt that they would be obeyed? Why then, doubt their being obeyed if they made peace with any nation with whom they were at war? If by force, as some pretended, they sent their people to the field of battle, very little force would be sufficient to restrain them from it. They had been guilty of no infringement of the rights of neutral states; they had respected the Swiss territory under very difficult circumstances and had passed through part of the Genoese territory in arms, without giving occasion for a single complaint. He wished that we might be able to maintain a good understanding with neutral states, in every instance, as well. He was ready to allow, that it was one thing to propose peace, and another to obtain it. With a nation in a state so anomalous as that of France, all events must be doubtful; but if we were to propose peace and fail what should we lose? Would the king of Prussia, take no more of our money? Would the emperor refuse a subsidy when he had occasion for it? This we should gain that the Convention would be no longer able to delude the people of France into the persuasion that we were making war upon them, not for the usual objects of war, but for the destruction of their liberties; and we should convince the people of this country, that the war was not carried on upon principles hostile to freedom, from which Great Britain had more to fear than any other nation.

Some sanguine men were of opinion, that certain principles established in one country must necessarily disturb the peace

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of another. He had doubted the doctrine when he first heard it; and the more he had examined, the more he disliked it. If it was maintained, that opinions held in France must contaminate the minds of Englishmen, this would lead to a revival of every species of intolerance, and to a more rigorous scrutiny of opinions than could be safe for states or individuals, more especially for this country. Had it not often been said that the French revolution owed its origin to the American war; that opinions borrowed from America gave it birth? This was so plausible that he knew not how to doubt it. Not that the French took the American opinions as they really were; they adopted them crudely in theory and perverted them in practice. Whence did the Americans receive their opinions? Not from the wandering Indians, not from Mexico and Peru—they carried them with them from England. He must, therefore, deprecate questioning opinions on the possible consequences to which they might lead, for then would both America and England be found guilty. Whence were derived the Rights of Man, so much abused by misapplication, so fundamentally true? Not from the ancients, not from Asia or Africa, but from Great Britain; from that philosophy, if it was still safe to use the word, which Locke and Sydney taught and illustrated. If we were once to argue, that the principles of any one people were dangerous to others, then we must be odious to all other nations, whose forms of government and modes of thinking had less of liberty than our own. To despotic governments we must be detestable, "Although France," they might say, "has been the theatre on which the abominations that flow from those principles have been exhibited, yet England is the author;" and the example of England they would feel to be more dangerous, as truth was a more powerful instrument than error. When the courts of Berlin and Vienna exhibited such instances of perfidy and injustice, might they not well think that British justice and good faith afforded an example to their people and a reproach to themselves, not to be tolerated?

He would now assume, that the House was to differ from him in all he had said, and to persist in the plan of overturning Jacobinism in France as the only road to peace. In that case they were bound to say so in explicit terms, and to declare moreover, that in conjunction with a certain description of Frenchmen, they meant to obtain some definite form of government for France. Then every Frenchman would know what he had to expect of us. If we declared for what some chose to call the old monarchy, but which he should ever call the old despotism, many would repair to the standard. If we declared for the constitution of 1789, those who approved of that constitution would join us. And if we declared for any form of a republic, a word which a remembrance of the grievances and oppressions under the monarchy had rendered popular, we should have the adherents of that system. Then men would join us whom we meant not to deceive. By professing only to demolish Jacobinism without specifying what we meant to erect in its stead we might have more hands but fewer hearts; for all who joined us would constantly suspect that they were assisted but to be betrayed. If therefore, the House should not adopt the better resolution, he should move another resolution to this effect.

He had carefully avoided touching on the military conduct or the present state of the campaign. He had early in the session examined the attention paid to protecting our trade, he feared with but little of the effect which he hoped to produce, as the premiums for insurance, then triumphantly held up as an argument against him, too fully proved by their rapid increase. He looked to Flanders with pain and anxiety: we had destroyed many of the enemy, since the opening of the campaign, but alas! the slaughter had not been all on one side. He had felt some curiosity to calculate the loss of the allies of all descriptions in the last campaign in all the points of action, from such documents as were public, and also to estimate the loss of the French, which could scarcely be less than 200,000! What, then, were we to think of conquering a people who could bear such a loss as this, and still present superior numbers in every point of attack? We had reduced Landrecies, and while we were doing that, the enemy had pushed into West Flanders, from which, with all the well-earned laurels our troops had obtained, we had not yet been able to dislodge them. Without professing to be a critic in matters of war, when he looked at the frontier, he could not help thinking the conquest of France a more desperate crusade than ever. What said

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our allies of the French? The emperor had published that the attack of the 17th was admirably planned; that in the execution, generals, officers, and men, all merited equal praise; and yet it had totally failed! Hence he must conclude that we had to cope with a very formidable enemy. Was it owing to the elements that the plan had miscarried? No, it was because West Flanders was intersected by hedges and ditches. But was this a thing unknown before to the emperor's offices in his own territories?—Did they plan an attack only to discover that they were fighting in an inclosed country. It was like the king of Prussia's discovery that war cost money Since then we had obtained a victory, on which no man could be supposed to dwell with more peculiar pleasure than he himself, but the only effect of that victory was not to dislodge the French from the position in Flanders, but to avert a great danger from the allied army. When such was the state of the campaign in Flanders, when the Spaniards and Piedmontese were repulsed, and instead of making a diversion required assistance, surely he might infer that there was as little prospect of destroying the jacobin government of France now as when the war began, and we professed no such object. Why not, then, recur to old maxims, when our victories and the islands we had taken might give them such effect? It was impossible to dissemble that we had a serious dispute with America: and although we might be confident that the wisest and best man of his age, who presided in the government of that country would do every thing that became him to avert a war, it was impossible to foresee the issue. America had no fleet, no army: but in case of war she would find various means to harass and annoy us. Against her we could not strike a blow that would not be as severely felt in London as in America, so identified were the two countries by commercial intercourse. To a contest with such an adversary he looked as the greatest possible misfortune. If we commenced another crusade against her, we might destroy her trade, and check the progress of her agriculture, but we must also equally injure ourselves. Desperate therefore, indeed, must be that war in which each wound inflicted on our enemy would at the same time inflict one upon ourselves. He hoped to God that such an event as a war with America would not happen; but whether it did or did not he contended, that every day afforded additional reasons for putting an end to our crusade against France. Mr. Fox then moved the first of the following Resolutions:

1. "That it appears to this House, that during the several changes which took place in the constitution and government of France, before the commencement of hostilities, and more particularly after the events of the 10th of August 1792, when his majesty was advised by his ministers to suspend all official communications with France, it was, and continued to be, the professed principle and policy of his majesty's government, carefully to observe a strict neutrality, and uniformly to abstain from any interference with respect to the internal affairs of France: that, when his majesty was advised to make a farther augmentation of his forces by sea and land, at the beginning of the last year, it was for the declared purpose of opposing views of aggrandisement and ambition on the part of France, and that, when his majesty acquainted parliament, that acts of hostility had been directed by the government of France, against his majesty's subjects, and after war had been declared against his majesty and the United Provinces, the then avowed object of prosecuting the war, on our part, was, to oppose the farther views of aggrandisement imputed to France, and that the prosecution of the war on this ground, and for the attainment of this object, was approved of by both Houses of Parliament.

2. "That it appears to this House, that, at or before the end of April 1793, the armies of France were obliged to evacuate Holland and Flanders, and to retire within their own territory; and that the prince of Cobourg, commander in chief of the emperor's forces in Flanders, did, on the 5th of April, engage and declare that he would join and co-operate with general Dumourier, to give to France her constitutional king, and the constitution which she had formed for herself; and that the prince of Cobourg did also then declare, on his word of honour, that if any strong places should be delivered over to his troops, he should consider them no otherwise than as sacred depositis; and that on the 9th of the same month, all the preceding declarations of the prince of Cobourg were revoked.

3. "That it appears to this House, that by the 15th article of the treaty concluded with the Landgrave of Hesse Cassel on the 10th of April 1793, his majesty's

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ministers were of opinion, that the situation of affairs had then entirely changed its aspect, in consequence of which his majesty might not have occasion for the Hessian troops, and might be at liberty to relinquish their service, on certain conditions of compensation to be made to the Landgrave.

4. "That it appears to this House that on the 14th of July 1793, a convention was concluded between his majesty and the king of Prussia, in which their majesties reciprocally promised to continue to employ their respective forces, as far as their circumstances would permit in carrying on a war equally just and necessary.

5. "That it appears to this House, that, on the 23d of August 1793, lord Hood declared to the people of Toulon, that he had no other view but that of restoring peace to a great nation, upon the most just, liberal, and honourable terms; that the inhabitants of Toulon did in return declare, that it was their unanimous wish to adopt a monarchical government, such as it was originally formed by the constituent assembly of 1789; and that lord Hood, by his proclamation of the 28th of August, accepted of that declaration, and did then repeat what he had already declared to the people of the South of France that he took possession of Toulon, and held it in trust only for Louis the 17th.

6. "That it appears to this House that the constitution to which the declaration and acceptance stated in the preceding resolution are applied, was the same which his majesty's ambassador at the Hague did, in a memorial presented to the States general on the 25th of January, 1793, describe in the following terms, viz. 'It is 'not quite four years since certain mis-'creants, assuming the name of philoso-'phers, have presumed to think themselves 'capable of establishing a new system of 'civil society; in order to realize this 'dream, the offspring of vanity, it became 'necessary for them to overturn and de-'stroy all established notions of subordina-'tion, of morals and of religion;' and that this description was appplied by the said ambassador to a government with which his majesty continued to treat and negociate from its institution in 1789 to its dissolution in August 1792, and that his majesty's ambassador was not recalled from Paris until that government was dissolved.

7. "That it appears to this House by the declaration made by his majesty's ministers, and dated on the 29th of October, 1793, 'That his majesty demands only of 'France that some legitimate and stable 'government should be established, found-'ed on the acknowledged principles of 'universal justice, and capable of main-'taining with other powers the accustomed 'relations of union and peace: and that his majesty, in treating for the re-establishment of general tranquillity with such a government, 'would propose none other 'than equitable and moderate conditions, 'not such as the expenses, the risks, and 'the sacrifices of the war might justify;' and that his majesty hoped to find in the other powers engaged with him in the common cause, sentiments and views perfectly conformable to his own.

8. "That it appears to this House that at the commencement of the war, the prosecution of it was considered by his majesty as a cause of general concern, in which his majesty had every reason to hope for the cordial co-operation of those powers who were united with his majesty by the ties of alliance, and who felt an interest in the same cause.

9. "That it does not appear to this House, that in the prosecution of a war considered by his majesty as a cause of general concern, and as a common cause, his majesty has received that cordial co-operation which we were led to expect from those powers who were united with him by the ties of alliance, and who were supposed to feel an interest in the same cause.

10. "That, on a review of the conduct of the several powers of Europe, from whom, if the cause was common, and if the concern was general, such cordial co-operation might have been expected, it appears to this House, that many of those powers have not co-operated with his majesty; that the empress of Russia has not contributed in any shape to the support of this common cause; that the crowns of Sweden and Denmark have united to support their neutrality, and to defend themselves against any attempt to force them to take part in this common cause: that Poland is neither able nor inclined to take part in it; that Switzerland and Venice are neutral; that the king of Sardinia has required and obtained a subsidy from Great Britain to enable him to act even on the defensive; that the king of the two Sicilies, professing to make common cause with his majesty in the war against France, is bound to it by nothing

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but his own judgment in the course of events which may occur, and that he is at liberty to abandon the common cause whenever he shall judge that he cannot any longer with justice and dignity continue the war; that the efforts of Spain and Portugal have been completely ineffectual.

11. "That, with respect to the powers who were principals in the present war, (viz. the states-general, the king of Prussia, and the emperor), it appears to this House, that the states general, having refused to contract for the payment of their portion of the subsidies to be paid to the king of Prussia, beyond the term of the present year, have thereby reserved to themselves a right to withdraw from the support of the war at that period, and to throw the whole burthen of it upon Great Britain: that the king of Prussia being bound by the convention of July 1793, to act in the most perfect concert and the most intimate confidence with his majesty, upon all the objects relative to the present war, and having then promised to continue to employ his forces as far as circumstances would permit in carrying on the war, and his majesty having since been obliged by the treaty of the 19th April 1794, to grant to the king of Prussia an enormous subsidy, in order to engage him to continue to co-operate in the prosecution of the war, it follows that the king of Prussia is no longer a principal party, nor even an auxiliary in the said war, but that he basely lends out his troops to this country in return for a most profitable pecuniary compensation at our expense, and that Great Britain is, in fact, loaded with his proper share of the burthen of a war, which is said to be the common cause of every civilized state: finally, that if it were expedient or necessary to purchase the king of Prussia's co-operation on such terms, the emperor, whose interests are more directly at stake, was full as much bound in reason and justice, as his majesty or the states-general could be, to contribute equally to that expense; and that if, at any future period of the war, the emperor's finances should be so exhausted as to make it impossible for him to maintain it on his part at his own charge, his imperial majesty will be invited and encouraged, if not justified, by the example and success of the king of Prussia, to call upon this country to defray the whole expense of whatever army he may continue to employ against the French; nor does it appear to this House by what distinction in policy or in argument the terms granted to the king of Prussia can be refused to the emperor, whose efforts and expenses in the course of the war have infinitely exceeded those of Prussia, or how this country can in prudence or with safety, decline a compliance with such demands, if it be true, as has been declared, that the destruction of the present French government is essential to the security of every thing which is most dear and valuable to us as a nation.

12. "That it appears to this House, that in consequence of the events of the war on the continent and elsewhere, all views of aggrandizement and ambition on the part of France, supposing the French to entertain such views, are evidently unattainable, and must be relinquished by France, and that therefore the object of the war as it was originally professed on our part, viz. the restoration of peace on terms of permanent security, is now attainable, and may be secured, provided that on one side the French shall be content with the possession and safety of their own country, and that we, on the other, shall adhere to the principles of justice and policy, so often declared by his majesty and avowed by his ministers, of uniformly abstaining from any interference with respect to the internal affairs of France.

13. "That it is the duty of his majesty's ministers to avail themselves of the present circumstances of the war, and to promote a pacification by every means in their power, by proposing to France equitable and moderate conditions, and above all things, by abstaining from any interference in the internal affairs of France.

14. "That it is the opinion of this House, that in every possible case, it is equally desirable that his majesty should make an explicit declaration of his views. If it is the intention not to interfere in the internal government of France, nothing can contribute so much to advance a negociation with those who now exercise the power of government in that country, as such a declaration solemnly and explicitly made. If on the other hand it is intended to interfere, it is highly essential to make the degree of interference precisely known to induce such parts of the French nation as are dissatisfied with the present government, to unite and exert themselves with satisfaction and security."

Mr. *Jenkinson* rose to oppose the motion. He began with stating, that the great object of the right hon. mover had

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been to prove, that instead of a war undertaken professedly for the protection of our allies and for self-defence, it had been perverted into an avowed intention of interference in the internal constitution of France. In opposition to this statement, he begged to remind the House, that the Scheldt was not the only cause upon which hostilities were grounded. He begged leave to state what those causes were. The first was the protection of our allies from invasion and insult; the second was those views of aggrandizement which the ruling powers in France avowed, of propagating their new-fangled and destructive doctrines through every country in Europe, by the sword. The third cause was the insults offered to this country by the French Convention. These various reasons, avowed and acted on at the time, proved incontestibly that the war, in its origin, was not intended to be purely defensive. In order to enable the House to form a correct decision upon the present question, he begged to remind them of the precise declaration made by ministers upon a former occasion, when the subject of the war was debated in which they stated, even with the approbation of the gentlemen opposite, that their object was, to obtain indemnity for the past, and security for the future. With this acknowledged object in view he was now ready to admit, without entering into any discussion upon the subject of indemnity, that if security for the future were to be obtained, the war ought to be brought to an immediate conclusion. But this was an object which, however desirable, was, in the present state of things, impossible to be obtained; and upon this point he was ready to meet the question. He had, upon a former debate, asserted, and he repeated it now, that, compared to all former wars in which this country had ever been involved, there was no security which we could obtain to induce this country to make peace under any probable prospect of its continuance. For instance, the peace of Ryswick, at the time when Louis 14th entertained views of aggrandizement, so dangerous to the general independence of Europe, might be considered as a wise measure, at least as a temporary expedient; because, if it lasted two, three, four, or five years, yet was it as desirable for the one side as the other, enabling either party to recruit its strength, and meet its antagonist upon fair and equal terms. But, in the present instance, there was no security for the continuance of peace; no, not for a single hour. To prove the truth of this assertion. it was only necessary to recollect, what was the striking feature of the several events which have marked the revolution in France. What was it overthrew the administration of Necker?—Moderation! What destroyed the Constitutionalists, the Girondists, the Brissotines, and all the various parties which have successively risen and sunk in that agitated hemisphere? Moderation. Or what had confirmed the power lodged in the hands of the present possessors?—The total want of it! Should they ever depart from their usual system of violence, by thinking of so humane and moderate an idea as treating for peace, their downfall would be inevitable. Thus, it was evident, that unlike every former instance, there was no security to be looked for in the idea of peace.—It was asked, what chance we were likely to have of obtaining any probable object by the continuance of hostilities? He was ready to admit, that gaining a few towns, or even ten battles, was not of any avail to the putting an end to hostilities; nay, farther, he had no hesitation in saying, that that object, however desirable, was only to be attained by the destruction of that system of Jacobinism which domineered at Paris, and, through Paris over all France. And when he stated this, he had no hesitation in saying, that however impracticable or distant such a scheme might appear, yet it was by no means impossible or unlikely. He had, on a former night, stated his sentiments upon this subject; which were, that in order to gain this "consummation so devoutly to be wished," a strong frontier was absolutely necessary to be secured in the first instance, whence the united force might push forward with advantage to the attainment of their object. He was the more confirmed in the propriety of this system, because, should we even fail in the attainment of Paris, yet we should at least be in possession of a barrier, which would, by securing our allies, be ultimately protection to us.—Much had been said of the prevalence of the opinions propagated by the French. It was true, that those opinions were dangerous in proportion to the power, the wealth, the population, and the influence of France, among the nations of Europe; but they were still more so, when

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it was considered that they were principles of Jacobinism; principles which went to set the poor against the rich, to encourage those who had nothing to lose against the best supporters of order and good government, and which, by cutting all the bands of society, tended to throw every thing into confusion. The right hon. gentleman had attacked the treaty with Sardinia, and had argued its inutility from the successes of the French in that quarter. That they had gained some advantages could not be denied, but still its good effects to the general cause were demonstrable, from the divisions which it caused, and the keeping so great a number of troops busied in one quarter, who might be otherwise dangerously employed in another. The subsidy to Prussia had also been the subject of much reprehension; for his part, there was nothing in that transaction which was to him matter of surprise. It was to be considered, that that monarchy was not to be ranked among the first-rate: it was artificial, and owed its power to its treasures. If those failed, it must inevitably sink into a secondary character. Considering therefore, that this monarch had carried on two campaigns at a distance from his own territories, and where he had no probability of indemnity by the extension of territory, it was not unreasonable for him to demand assistance. The events of the campaign had been particularly urged, as forming a strong ground in favour of the present motion; for his part, he saw nothing in them that was not in the highest degree encouraging. The campaign had not been fairly commenced above five or six weeks; in that short period, we had taken Landrecy which, in former wars, was considered as the key to France; and though we had lost Menin, and Courtray, yet, when we contemplated the determined valour, spirit, and enterprise, which distinguished the whole of the allied armies, there was every reason to look with confidence to success. The right hon. gentleman had proposed a long string of resolutions, upon the first of which it was his intention to move the previous question. As to the last of them, there was no ground whatever in support of it. It was impossible in the nature of things, to bind men down to precise terms, as the particular objects of pursuit. For his part, he had always asserted, that one country at peace with another had no right to interfere in her internal concerns; but he had as constantly maintained the right of such internal interference when one country was engaged in actual hostilities with another. It had been also asked, whether at the time we were so eager to pull down the present government of France, we were prepared to build up another in its room? He certainly was not prepared to say what precise form should be substituted in place of it; because that must depend entirely upon circumstances, after having at all events overturned the present power of the Jacobins, whose existence was totally adverse to every regular government and authority in the world. For these reasons he concluded with moving the previous question upon the first resolution.

Mr. *Sheridan* said, that the hon. gentleman had spoke certainly with the tone of the right hon. minister near him, though not with his ability; he had a right however, to conclude, from the silence held by ministers, that the sentiments uttered by the hon. gentleman, were, to a great degree, their sentiments. The hon. gentleman had on this, as on most occasions, expressed himself with a degree of confidence which impressed his mind with an idea, that though the hon. gentleman was not in the cabinet, yet he was so much in the secrets of ministers, as to be supposed to deliver their sentiments. No other supposition, indeed, could warrant the manner in which that hon. gentleman delivered his sentiments, unless we were to suppose that he had an hereditary knowledge of politics, and that a deep insight into the secrets of cabinets ran in his blood.—On the present occasion, he could not but conceive that he had passed the bounds (of the instructions he would not say) but of the intimations at least, that had been given him by the right hon. gentleman who sat on each side of him [Mr. Pitt and Mr. Dundas], for he could not conceive, however their silence might justify the supposition, that they were prepared to accompany the hon. gentleman in all the lengths he had gone that night. Not to follow him through the greater part of his arguments he should confine himself to take some notice of one or two positions, which seemed to meet the question on a fair and manly ground. The hon. gentleman had openly and candidly stated, that the object of the war was, the destruction of the Jacobin government of France; in order to effect which, our views must neces-

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sarily be turned to the destruction of Paris, the only probable means of effecting the end in view. Did the hon. gentleman, or the House, seriously suppose, that this object was so attainable as he had asserted? He had relied much on the successes of a campaign, which had begun but a few weeks. He (Mr. S.) was, however, afraid, that the calamities of the campaign had been much greater than the successes, and that we had gained little else but honour. On a fair review, he was grieved to find, that other advantages we had had few or none. In the same gazette in which we were informed that prince Kaunitz had driven the French beyond the Sambre, we had intelligence that the enemy had penetrated into Luxembourg, and had forced general Beaulieu to retreat. After the action of the 22d, which had been represented with great triumph in our gazette as a complete victory, the emperor published a bulletin, which he held in his hand, which did not convey the same idea of so complete a victory as we had been led to expect. After recapitulating the successes of his troops in some late actions, he goes on thus: "The enemy has lost at least 6,000 men, but the combined army cannot have lost less than 2,000. The day after 2,000 combatants have lost their lives, cannot, to a feeling monarch, be altogether a day of triumph."—The hon. gentleman had recounted the capture of Landrecy in a manner truly ludicrous; he had swelled it into an object of importance, which it did not merit; for instead of conducing any thing towards the attainment of the object proposed, we were not one inch nearer Paris than we were before it was taken; in fact we continued nibbling round the rind of this country, which we were so shortly to enter in spite of all opposition. However, the hon. gentleman had discovered that though French opinions might be harmless in themselves, yet when backed by the power of France, it became necessary to oppose them. The more powerful then, the more we must oppose them; and if they should succeed in conquering us, it would be an evidence of their power consequently a fresh obligation upon us to exert the last remains of our strength in opposing them. If ministers really did mean to avow this as their object, they had not even steadily pursued it; for the West-India expedition was a deviation; and every guinea, and every man employed to that purpose, was a grand defection from that great object. Lord Hood, who was now knocking his head against the walls of Bastia, was of very little service, if he were even successful in his present attempt, with regard to the final object. We ought not to have endeavoured to pilfer an indemnity, without considering the interests of the allies who were contending in a common cause. He was afraid that we could not reproach even our most faithless allies. If all cant and hypocrisy were laid aside, it would, perhaps, appear, that we had entered into this Swiss romance, this mercenary crusade, for no other purpose at first than to share the spoil of France; and afterwards we had graced our iniquity with calling this a war of religion. Mr. Sheridan next noticed some of the transactions of the late imperial loan, and the explanation Mr. Pitt had given upon that subject. He insisted, that if, in the course of another year, the emperor could not raise a supply, he must also become an artificial power, and apply to this country for a subsidy. The empress of Russia, he remarked, had also entered into a very solemn treaty, in which she had promised not to lay down her arms but by common consent; she had, however, hitherto unfortunately forgot to ask her own consent to take them up. So that of all our allies, one had done nothing, another had done all he could do, and the remaining burthen of the war must rest upon ourselves. Our allies the Dutch were far from pleased with our possession of the West-India islands, and he wished the prophecy of a person, who was supposed to possess the gift of second sight, might not come true, namely, that his majesty's ministers would shortly possess every island in the world except the island of Great Britain.—The hon. gentleman had declaimed very much on the impracticability of making peace with the present government of France, and had held language which seemed to pledge this country to a continuance of the war to an unlimited period. He and his right hon. friends should recollect, that similar language had been held in the calamitous war with America, and should learn, from the example of that fatal contest, to be more moderate in such assertions. He could not but consider the war as giving rise to a very dangerous system of spreading alarm among the lower orders, to excite their passions against the supposed enemies of

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their country, in order to throw more power into the hands of administration, and to keep the public from too nicely examining some of the late dangerous proceedings. For this purpose, fabulous plots, and forged conspiracies had been brought forward, originating solely in the foul imagination of his majesty's ministers. He perhaps might be told, that from the report of the committee, the House had sufficient ground to give credit to the existence of such conspiracies. He, for one, could form no such conclusion from the facts in that report, and did not choose so far to give up his understanding to any individuals, as to receive the conclusions of men whom he thought deluded. And here he could not help mentioning, that many papers of the most inflammatory sort had been put into his hand, tending to irritate the public mind against the unfortunate men now in custody. These, he had little doubt, he could trace, if not directly to ministers, at least to their agents and persons in their pay. One question he would ask, did ministers mean to give these men a fair trial? He confessed it appeared to him very suspicious. It looked very much like an attempt to irritate the mob so far as to render it dangerous to a jury to acquit these unfortunate persons.—He must advert also to the unfair methods which had got abroad into the world, of calumniating himself, and the persons who with him had opposed the conduct of administration. This he should not rely on much, but would put a case to the House, that they might determine whether or no they thought it decent to have one of their member's characters handled severely, contrary to what he must say was just. Suppose a great magistrate of the city, robed in the insignia of his office, not lightly over a glass of wine, or after a good dinner, but solemnly and gravely in the court with his brother aldermen, should declare, that a member of parliament, by name Mr. Sheridan, would be sent to the Tower within two months after his assertion, provided the Habeas Copus act were repealed, and should back his assertion with a bet, and so considerable a bet as 120 guineas to six. Would the House think this a light or trivial matter? and would not gentlemen suppose that such a magistrate, from his known connexion with administration, had some authority for saying so beyond his own ideas as a private man? It would not be orderly to name the hon. magistrate, but if he was in the House, he probably might be known by a gold chain which he wore. Notwithstanding every such calumny, he should still continue to do what he thought his duty, and would challenge any one to point out any thing in his conduct which could justly subject him to such an imputation. He concluded with giving his hearty approbation of the original motion.

The *Lord Mayor* thought it strange that this matter should be brought before the House, as he had received intimation from Mr. Sheridan's solicitor, that he had orders to commence an action against him for defamation. One thing only he should say, that what he had uttered on the occasion had been misunderstood; what he had said was in a joking and good-humoured way, and to a friend of the hon. gentleman. He pledged himself that no man was less given to slander than himself, or detested it more.

Mr. *Pitt* said;—I do not feel it necessary, on the present occasion, to trouble the House for any length of time. The substance of the question, and of the arguments brought in support, is certainly old. The hon, gentleman who spoke last, has however certainly contrived to introduce considerable novelty into the latter part of his speech. I will not say that the matter which he thus introduced, was not connected with the question: had it not been connected so, you, Sir, would undoubtedly have called him to order. I could easily, however, account for the principle on which you were restrained from doing so, when I recollect that, on a former occasion, you stated, that any argument, however bad or absurd, does not therefore become disorderly. It is possible that an argument may have some connexion, though it be not such as can evidently be received in the first instance, and certainly it will be allowed, with respect to the hon. gentleman, that he is possessed of such ingenuity as to bring together every argument, however incongruous, that may suit his purpose, and give it an appearance of connexion with the question. What, then, was the amount of his arguments? That we ought to discontinue the war, because it afforded the means of fabricating plots in this country. The hon. gentleman had thought proper, without the smallest regard either to probability or decency, to assert, that plots had been fabricated, and that those plots had no foundation ex-

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cept in the foul imagination of ministers. The abuse of that hon. gentleman has been too often repeated to be entitled to any degree of importance. But I must own, that there is some degree of novelty indeed in this mode of attack upon a report originating from twenty-one members, to whose character for honour and integrity I will not do any injury by comparing it with the quarter from which the attack was made—

Mr. *Courtenay* here called Mr. Pitt to order, and offered to repeat his words, as and improper and uncalled-for attack upon the character of his hon. friend.

The *Speaker* said, he felt himself called upon to interfere, and he trusted that the House would impute to him no other motive in his interference, except the respect which was due to the character and dignity of the House. He wished to state that there was no rule better established in the House than that, "qui digreditur à materiâ ad personam" was disorderly: that whatever wandered from the subject in debate, and was converted into a personal attack, was contrary to order; and in this respect, he could not help regarding the expression of the hon. gentleman, "that these conspiracies had no existence, except in the foul imaginations of ministers," as disorderly. He begged pardon of the House for an omission of his duty in not having called him to order when the expression was made use of. Indeed, the connexion of the speech of the hon. gentleman with the question, was altogether so very nice, as to require some degree of attention before its drift could be perceived. He, however, thanked the hon. gentleman who had occasioned the interruption; the expressions were certainly disorderly, however they might have arisen from that mode of attack which had been adopted by the hon. gentleman in the first instance. He trusted that the interruption which had thus been given to the debate, would have the effect of allaying the heat which had been introduced into the discussion, and of restoring order and tranquillity to the debate.

Mr. *Pitt* proceeded. I beg leave to say that I must always bow with deference to any interruption from you, Sir, whose impartiality in conducting the business of this House is upon every occasion so evident; and whenever interrupted for any expression that may appear disorderly, that may have escaped me in the heat of debate, I most readily make my apology, where alone it is due, to you and to the House. Still, however, I must be permitted to add, that the language of the hon. gentleman was neither within the rules of parliamentary debate, nor of parliamentary decency.—I was proceeding, when interrupted, to state, that the hon. gentleman had argued, that the discontinuance of the war would put an end to those proceedings of a committee of this House, which he has chosen to brand with such coarse and indiscriminate censure. The question is not merely whether his mode of attack is fair and candid with respect to the individuals composing that committee; but how far it is proper to be adopted, when their report has already been received by this House, and been made the foundation of a measure now sanctioned by the three branches of the legislature—the Suspension of the Habeas Corpus act. The preamble of that measure states the existence of that plot, as recognized from the investigation of a committee, and the inspection of voluminous papers, which the hon. gentleman has chosen to brand as the fabrication of ministers. But why has he introduced this subject, apparently so little connected with the question? In order, as it appears, to give an account of a transaction, of which I declare, till this night, I knew nothing; as little am I acquainted with the dissemination of those inflammatory papers, of which so much has been said by the hon. gentleman. I have, indeed, for these few days past, been engaged with the examination of papers, but papers very different from those alluded to by the hon. gentleman. These papers voluminous in their size, form the records of those societies, whose proceedings have attracted the notice of government. They contain materials of a nature very interesting indeed, and with which this House will speedily be acquainted. When these materials shall be brought forward, it will then appear, whether there is any real ground for alarm, or for supposing the existence of that plot which has been stated: I shall only desire the House to compare what shall appear upon the face of the report of their committee with what has been asserted by the hon. gentleman as having been made use of by a respectable member of this House. I am surprised that it could ever have appeared in any other light than as an expression of levity. The hon. gentleman, however, thinks otherwise. From the serious

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view in which he has taken it up, it appears, that a conspiracy cannot be going abroad, but he immediately takes guilt to himself. If his jealousy be indeed so wakeful, and his fears so easily excited, in all probability the bet which he has mentioned with respect to himself may be a fair speculation. In one point of view I must indeed thank the hon. gentleman for having introduced the topic of the state of the country, and the existence of plots, however irrelevant it might seem to the subject of debate. However irrelevant it might seem, as introduced by him, it is certainly highly in our favour. For if, from the result of the report of your committee, it shall appear that there is ground to suppose that there has existed a system in this country, (and indeed no country in Europe has been exempted from its effects) to introduce French principles for French purposes, and by French means; if the same system may be traced all over the continent, and there shall be found to be the most striking coincidence, both in the object aimed at, and the means by which it has been prosecuted; if the whole shall be clearly imputable to the present government of France, and be calculated every where to produce the same effects which we have witnessed in that country, it must then be admitted, that nothing less than the subversion of that Jacobin government, which has been contended for by my hon. friend (Mr. Jenkinson) can be adequate to the purposes of the war. The present, indeed, is not a contest for distant, or contingent objects; it is not a contest for acquisition of territory; it is not a contest for power and glory; as little is it carried on merely for any commercial advantage, or any particular form of government; but it is a contest for the security, the tranquillity, and the very existence of Great Britain, connected with that of every established government, and every country in Europe. This is the view of the nature of the war, upon which this House has acted in its former decisions. It is a view confirmed by the experience of every day, and of every hour; it is a view which the events of the present moment have tended still more strongly to impress upon the minds of gentlemen of this House, this moment, which has been chosen of all others in order to induce us to abandon our principles, and reverse our decisions.

I do not think it necessary to comment at length upon the string of resolutions brought forward by the right hon. gentleman. They are evidently introduced for the express purpose of recording upon the journals of this House the opinions of that right hon. gentleman with respect to the nature, the object, and the probable events of the war—opinions which he has brought forward both in the course of the present and of the former session. The substance of all his resolutions may be reduced to two, to each of which, now that I am upon my legs, I shall feel it necessary to say a very few words. The right hon. gentleman in a speech more distinguished by its length and ability, than by any additional matter or novelty of argument, divided the whole subject into three or four periods, in order to prove, that the subversion of the Jacobin government was inconsistent with the former professions of this government, and in its own nature impolitic and impracticable. In order to prove his assertion, the right hon. gentleman began with adverting to the professions of neutrality, held out on the part of this country previous to the declarations, and to the negociations set on foot, in order to secure the continuance of peace. To this part of his argument, the answer of my hon. friend was so full and satisfactory, as to require on my part no addition. I have only to state, along with him, that it is not every provocation which justifies a war. The French revolution might not, in the first instance, appear to be so great an evil, as it has since evinced itself to be. It might not be discovered to have such pernicious effects as have since unfolded themselves to our view. The extent to which it carries the principle of propagating its doctrines by fire and sword, is now, however, no longer a matter of doubt. The principle is rendered still more dangerous by the means which it possesses for carrying it into effect. Can we then, be supposed to be pledged to the same line of conduct in the present moment, which, in the first instance, we might have deemed it prudent to adopt? In proportion as the extent of the evil discloses itself, does not there arise a necessity for increased means of resistance? The right hon. gentleman stated, that even subsequent to the memorable period of the 10th of August, we continued our professions of neutrality, though we thought proper to break off all intercourse with the French nation on account of their conduct to the sovereign. Of the principles upon which that intercourse was broken off, the House

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have already expressed their decided approbation, and can they then, with regard either to the dignity of their character, or the consistency of their principles, renew in a time of war, that intercourse which they thought proper, on such solid grounds to break off in time of peace; and at a time too, when I contend, that the attempt to renew such intercourse would be as impotent as it would be disgraceful?

The right hon. gentleman stated, that the objects first held out for the war on the part of this country were, the breach of treaty by the French with respect to the Scheldt, and the views of aggrandizement which they disclosed in seizing upon the territory of the neighbouring powers. So far I admit he has stated justly; but when he says, that all idea of interference with the government of France was entirely disclaimed, he states what is not the fact.—Such an interference, I grant, was not precisely stated; it was, however, referred to, even in the first instance. And, in proof of this assertion, I refer to the following passage in his majesty's message, brought down to this House so early as the 28th of January 1793: "In the present situation of affairs, his majesty thinks it indispensably necessary to make a farther augmentation of the forces by sea and land, for maintaining the security and rights of his own dominions, for supporting his allies, and for opposing views of aggrandizement and ambition on the part of France, which would be at all times dangerous to the general interests of Europe, but are peculiarly so, when connected with the propagation of principles which lead to the violation of the most sacred duties, and are utterly subversive of the peace and order of all civil society."* Such was the language even then adopted by his majesty, and re-echoed in the answer of this House to that message. A few days after, came the declaration of war on the part of the French. What were the sentiments I expressly declared in the course of the last session, I refer to the recollection of every member present. A few days previous to the close of last session, the right hon. gentleman came forward with a motion precisely similar in nature and effect to the resolutions which he has this day proposed to the House. I then stated, that while the existing system continued in France, we could have but little hope of obtaining a peace upon solid and permanent grounds; that, could a peace be obtained, I certainly should not consider the continuance of the system, as itself, an objection. At the same time I expressly assured the House, that the prospect of affairs was such as not to afford the smallest ground of rational expectation of our ever being able to obtain such a peace as we could either accept, or, for any length of time, hope to enjoy, while France remained under the influence of Jacobin councils, and that the prospect of bringing the war to a conclusion, as well as the security for any engagements which we might form with France, must ultimately depend upon the destruction of those principles, which were hostile to every regular government, and subversive of all good faith. I asserted farther, that if an opportunity should occur, in which we might interfere with advantage in the internal government of France, we certainly should avail ourselves of every such opportunity, as an operation of the war. Had I, as the right hon. gentleman has contended, disclaimed all such interference in the present war, I should have done what never has been done in any former war. And I have only to remind the right hon. gentleman, of what, upon a former occasion, was his opinion with respect to an interference, which government found necessary to make in the affairs of Holland. When we attempted to defend that measure upon the principles of justice, he contended that we proved too much, and that, in order to justify it, it was only necessary to show that it was for the interest of Great Britain. Upon what principle then can he now possibly urge that an interference, admitted in every former war, should become unjustifiable in the present, that commenced, on the part of France, with an interference against ourselves?

Having supposed, then, that all idea of interference was disclaimed, the right hon. gentleman proceeded to bring forward a charge of inconsistency, from the declaration of lord Hood, at Toulon, and that afterwards published by his majesty, addressed to the people of France. These declarations, I affirm, are perfectly consistent. That of lord Hood only promises protection to the people of Toulon, so far as he could grant it, without specifying any particular form of govern

* See Vol. 30, p. 239.

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ment—they chose to pledge themselves to the constitution of 1789. The declaration of his majesty offers protection to all the people of France who shall approve of an hereditary monarchy. What then do the resolutions, prepared by the right hon. gentleman, call upon you to do?—to counteract all your former sentiments—to abandon those principles to which you have pledged yourselves—to rescind the measures which you have solemnly adopted—and, after having displayed the extent of your resources, and put into the hands of his majesty means for carrying on the war, to tell him that he shall not avail himself of those means, and abandon every resource, except that of making peace with France. It is to require you, at the end of the session, to make a recantation of all that you have done in every former part of it—to contradict all your former professions, and to renounce opinions formed upon the most serious deliberation, and confirmed by repeated acts. It is worthy of remark, that the gentlemen on the other side, who are so fond of accusing others of inconsistency take to themselves the credit of supporting the war to a certain period. Beyond that period, they have stated they found it impossible to give it any farther support, though I must observe, looking to their general conduct, if the periods at which they gave it support, and at which they thought necessary to withdraw it were to be transposed, the difference would be very inconsiderable. What was the period, down to which they take the credit of having given support to the war? the passing of the French corps bill. Then it was, it seems that they first discovered that the present was a war for the purpose of an internal interference in the government of France. But it is of little consequence to this House, what are the opinions of individuals, or what the pretences which they may hold out. It is their business to consider what has been their general line of conduct, and what course they are bound to adopt on the present occasion, from a regard to the dignity of their character, and the consistency of their measures. In this point of view, they will consider whether they have this night heard any thing to induce them to deviate from these principles, which they adopted on the most mature deliberation. The right hon. gentleman, in order to throw discredit on the object of the war, has had recourse to a confusion of argument. He chooses to confound the subversion of the present Jacobin government with the conquest of France, and states, that we have in view nothing less than the entire subjugation of that country. He forgets that the objects are entirely different: we have no desire to conquer France: we wish only to free it from a system of tyranny equally oppressive to itself and dangerous to its neighbours; which can, in the first instance, only exist by the misery of its subjects, and menaces in its progress the destruction of every regular government. But he states, as an argument against our success, that the force of that government is in the present moment stronger than ever, while he adds, however, by way of parenthesis, no matter whether by terror, or by whatever means. He seems to think that the means by which that power is supported, have nothing to do with the question. I contend that they form the whole; since on those means the permanence and stability of the government must depend. If it is a power acquired by the influence of terror, and supported by a system of coercion, it is neither likely to be solid nor lasting.

Another object which the right hon. gentleman has urged, is, that even if you should succeed in subverting the present government of France, such a measure would be in itself impolitic, and could afford you no prospect of rational advantage. What, says he, would you destroy a government before you have made up your minds what to substitute in its stead? do you consider the consequence of again setting the minds of men adrift, and how can you be sure that the result will be better than what you at present witness? This is exactly an illustration of the mode of argument adopted by the right hon. gentleman, who consulting neither the policy nor expediency of the particular question, is always addicted to push his general principles to the extreme. You ought not, says he, to subvert the present form of government, because, if the French are to be left to choose for themselves, you do not know by what other form it may be succeeded, whether an absolute or a limited monarchy, or a different species of republic. In opposition to this reasoning, we can safely decide from experience of its effects, that any form of government which succeeds the present, founded upon Jacobin principles,

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though not the best must be comparatively good. But as a reason why we ought not to seek the subversion of this Jacobin government, or be apprehensive of danger from its existence, the right hon. gentleman has stated, that it has been found perfectly possible for opposite governments to exist together without interfering with each other. I grant that this is perfectly possible with respect to any established government, however defective, acting upon certain rules and from certain principles. But I cannot admit that it is the case with respect to a system such as the present established in France, a system such as never existed before in any country, and to which no analogy can be found in the history of mankind; a system admitting of no modification of its vices, excluding all principles, and bearing in itself the seeds of hostility to every regular government; a system not possessing the means of power for the protection of its subjects, but usurping them for their oppression. Such a system presents no remedy for its vices or hope of security to its neighbours, but in its entire subversion. On all these grounds, I trust that the policy, consistency, and necessity of a vigorous prosecution of the war, will still appear to remain unimpeached.

I have only a few words to say to that resolution of the right hon. gentleman, which suggests, that we ought to aim at peace by negociation. In desiring us to have recourse to negociation, he contends, that we have at least nothing to apprehend from the experiment, even if it should fail, and that to propose terms can surely be attended with no harm. The answer of my hon. friend, to this part of his argument was so full and satisfactory, as to render it unnecessary for me to add any thing farther. My hon. friend stated, in the clearest manner, the little hope we could have of success in any negociation from the nature of the Jacobin system, and the character of the present French rulers, and the still less security which we should have for the performance of any engagement into which they might enter. But the question is not merely whether these persons now at the head of affairs in France, would be disposed to treat with us, or whether we could have any security for any peace which we might make with them? We are to recollect, that while that system with which we now contend, continues in France, we can have no peace upon any terms short of absolute ruin and dishonour; and that, by an express law of the constitution, any Frenchman who should propose to treat with us, except upon the conditions of abandoning our most sacred principles and our dearest rights, of surrendering our constitution, dethroning our virtuous, monarch, and consenting to introduce into this country that horrible system of anarchy which they propose to our imitation, is declared a traitor. What, then, becomes of the argument of the right hon. gentleman, that, even if we should enter into negociation, no harm could possibly be attendant upon our failure? Have we not reason to suppose, that by those who avow such principles, the terms which we should propose would most certainly be rejected? And what then would be the consequence? By entering into negociation we should have dissolved that confederacy on which we can alone depend for success against the common enemy. To the French we should have given confidence and vigour; and baffled in our expectations of peace, should ourselves be again obliged to have recourse to war, when war was found to be our only alternative, and when we had deprived ourselves of the means for its vigorous prosecution.

The acquisition of the West-India islands, the right hon. gentleman affirmed, was but of little consequence, as to attaining the object of the war—the subversion of the Jacobin government of Paris. I grant that it may appear of little consequence as to its immediate effects; but may it not be supposed to have a collateral influence? Is it indeed of little consequence in the first year of the war to cut up their resources, and destroy the sinews of their commerce? Is the injury to their revenue less fatal, though, from the monstrous and gigantic expedients of finance to which they have had recourse, it may not, in the first instance, be perceived? Is it of little consequence to us in the prosecution of a war for which we do not ourselves possess sufficient military force, and in aid of which we must have recourse to our pecuniary resources thus to procure the means of increasing these resources, by extending our commerce, and opening new sources of industry? When the right hon. gentleman, then, represents the loss of these West-India islands, as but little felt, or altogether contemned, by the French, what ob-

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viously is the inference? Is it not that the government which can suffer such a limb to be torn from the empire without shrinking, which can view with indifference and unconcern the sinews of its commerce destroyed, and the sources of permanent revenue annihilated, can have but little interest or feeling in common with its subjects? If, indeed, we can suppose that the French government could see the danger of their colonies without fear, and submit to their loss without regret, it would only be a proof that they had become callous from desperation. Yet after the right hon. gentleman has represented these islands as considered but of little consequence by the convention, how does he proceed to argue? He considers them in one respect important, as they may be employed by you as valuable *mediæ* of negociation—that is, he proposes to you to give up acquisitions which are highly valuable to you, as a bribe to induce those who despise them, to abandon their favourite project.

But if the right hon. gentleman should not succeed in prevailing upon you to adopt any of his resolutions which go to offer terms of negociation, still he has one resolution of a different nature: he calls upon you, by an explicit declaration, to prescribe the precise form of government, which you mean to insist should be adopted in France. This strange proposition he clothes indeed in elegant language: in that case, says he, you certainly would have fewer friends, but then they would be more sincere. What is the case? that at present there are a great many of different opinions with respect to the form of government which they would wish to see established, but who, equally disapproving of the present horrible system, are prepared to concur with you for its destruction. These, whom it ought to be your object to unite and concentrate, he calls upon you, by this resolution, to alienate and disperse? a resolution too, which goes beyond the line of your policy, inasmuch as your object is the subversion of a system incompatible with your interest, and with the security of Europe: and that once effected, the government that shall be deemed most proper to succeed, will then naturally become the object of modification to the different parties. I am the more surprised that such a resolution should have come from the right hon. gentleman, as an hon. friend of his had stated as a principle, and it is the only part of his speech in which I can agree with him; "that seldom has any nation laid down a peremptory declaration, from which it has not found it necessary at some time or other to recede." I am astonished, indeed, that the right hon. gentleman, who so much disapproves of all idea of internal interference in the government of another country, should himself, by this resolution, carry the principle so far—to a length greatly beyond the line of our policy, and that object, which by our interference we propose to ourselves. It is not, in fact, more inconsistent with our principles than with his own: you could not adopt it without reprobating those sentiments which have been so often maintained by the right hon. gentleman; nor could he himself vote for it without giving up all his former opinions on the subject. This last resolution, therefore, I cannot deem more admissible than the others: it is not less incongruous in point of policy, than the former were repugnant to all those principles with respect to the present contest so solemnly adopted, and so repeatedly sanctioned by this House.

Mr. *Sheridan* spoke both to order and explanation. No man, he said, could be more inclined to support the decision of the Chair than he was; but he conceived that he had been misunderstood. The chancellor of the exchequer had been convicted of being disorderly by the immediate decision of the Chair; and in making what he called an apology, had attempted to intimate, that he excepted the person to whom it was at least equally due in common with the rest of the House. This apology for being disorderly, was itself a manifest breach of order. But while the right hon. gentleman was apologizing for his past behaviour, he (Mr. S.) allowed him most readily to make the distinction; for he should have received his apology with exactly the same sensations of contempt with which he had heard the provocation from him without it. He was as ready as any man to bow to the authority of the Chair, but in his case the Speaker had not called him to order at that time. It was the right of every member to state his own conception of order, as well as the Speaker. He had said, that the conspiracy originated in the foul imagination of his majesty's ministers; and he must insist, that speaking of them as ministers, and not as individuals, or members of that House, this language was regular and in order. Whe-

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ther the sounds were as musical as ministers would be pleased with hearing, was another question; they certainly were strictly parliamentary; and if it was ever established otherwise, there would be an end of all plainness and freedom of debate. The right hon. gentleman had thought fit to say, that the Speaker would not interrupt a speech because it was bad or absurd: there, again, the Speaker should have called the right hon. gentleman to order; for it was well known that the Speaker, in his official capacity, could not only tell any member of the House that his speech was not disorderly, but bad and absurd. With respect to the weight of character in that House, and an allusion of the right hon. gentleman, that nothing which fell from some persons could give him pain, he could only say, that when the minister, or any other man, should tax him, in or out of that House, with a single action which he feared to meet or vindicate, he would allow him, without rebuke, to deal in such insinuations. He left the House to judge of the manliness of a person who sheltered himself under his situation. He should take no further notice now of this part of the conduct of the minister: he dealt in insinuations which, but for his situation, he durst not make. On such a conduct he should make no comment, because there were expressions of scorn and disdain which he knew the orders of the House would not permit him to use.

Mr. *Fox* rose to reply. He said, that when he considered the secret committee that had been alluded to, there were some men among them whose talents and integrity he held in the highest esteem; but if in point of abilities, if in point of integrity and honour, if in point of every quality that could adorn the character of man, they were compared with his hon. friend (Mr. Sheridan), they were compared with their equal, and the comparison would do them no dishonour.—With regard to the question, the minister had blended two things essentially distinct; the medium by which we were to carry on this war, and the object for which it was carried on; and here he must say, that it was not originally expressed to be the object of our executive government; it had never been expressed to be the object of that House, it never ought to be the object of this country, to carry on the war for the purpose of forming a government for France. Surely if there was any distinction to be marked by words, means were one thing, object another. The chancellor of the exchequer insisted that he confounded the idea of the alteration of the government of France, with the conquest of France, and that in reality the majority of the people of France were against the present government: for his part, he should not insult the good sense of the House by seeming to agree to this. For how stood the facts as opposed to the bare assertion of the minister? Look at the expedition of the earl of Moira, an expedition not planned in secret, and overturned by stratagem, but an expedition publicly announced, and for six months endeavoured to be carried into execution, by affording to this mighty majority of the French an opportunity of joining us, for the purpose of destroying a form of government of which they were said to be so tired. If he were, after this, to say that the great majority of the people of France were desirous of joining us to destroy their present government, he should afterwards be ashamed to show his face any where in Europe. The French were not now desirous of destroying their republic. Had they ever been so? What was the case at the desertion of Dumourier? He abandoned the cause of the French republic. How many followed him? A few officers and domestics. We took Valenciennes. How many repaired to our standard in consequence? We took possession of Toulon by the agreement of some of the inhabitants. We erected there a standard of royalty. How many Frenchmen came to it? A declaration was made in favour of royalty, the French were called upon to shake off their sanguinary tyrants, and were told that we would protect them. How many Frenchmen flocked to us for that protection? Were we not compelled to fly, and abandon the town and its inhabitants to the fury of their enemies? To all these facts the right hon. gentleman was to oppose a speculation of his own, to prove that the majority of the French were hostile to the present government. If there were a majority of the people in that country who favoured the designs of the allied powers; but, after all the opportunities which had been given, found it impossible to act, they might as well not be in existence, for "de non apparentibus et non existentibus eadem est ratio." If

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the peasants all along the frontier of France, who had Prussian, Austrian, or British troops to fly to for protection, did not do it, but continued to oppose them, what hopes could we form that they would yet do it? No, no, whatever the French might think of their government, they would never join the allies to alter it; they had too clear a specimen of Prussian and Russian and British and Austrian integrity, to remain doubtful of its nature; they saw by the partition of Poland, that when the allies professed to protect, their object was to plunder, and that in order to show their hatred of innovation, they themselves introduced innovations of the most shameful and oppressive kind. It was said to be extraordinary, that gentlemen should both oppose and support the war. He was one of those who did so; let the ridicule attach to him if there would be any. He would do all in his power to persuade the people of this country to demand peace; but if a headstrong, rash, ignorant, or haughty minister should plunge us into a war, then we must do the best we could to get out of it; and to keep up our respectability to the rest of the world, supplies must be granted. He would not consent to ruin his country, because a minister had been either weak or wicked enough to involve us in a great difficulty. This was called supporting and opposing the war; but it was not new to him either in practice or in accusation. He did the same thing in the American war after the French had joined in it. He could not consent to receive laws from the French; and he believed they would be as unwilling to receive laws from us; this was a distinction which every man could understand, who gave himself the trouble to comprehend what he heard.—With respect to his assertion, that the emigrant corps bill was the first open avowal of the intention of this country to interfere in the internal concerns of France, what he meant was, that it was the first efficient act to prove such an avowal: for before, it consisted merely in declarations, and he knew the right hon. gentleman could, in a very happy manner, explain away those declarations if he found it convenient, or if it was necessary to the preservation of his place, even to condescend to apology or humiliation; for there was no pill, however bitter, that he would not swallow, however high and vaunting his expressions might be in that House, rather than surrender power, that God of his idolatry. In support of this assertion Mr. Fox adverted to the right hon. gentleman's conduct, after all his great words concerning Oczakow, when he submitted to the most degrading apology to the empress of Russia. If he found it answer his purpose to explain away his declaration with regard to France, he could prevail on Mr. Fawkener, or some other person, to go to Paris on that business; but overt acts were not so easily done away. Another objection he had to the emigrant corps bill, was, that though this country might break its faith with regard to nations, it should be cautious of preserving it with individuals and of not holding out to those unhappy people a protection which we were either unable, or had no intention to afford them.—As to the general argument, that the House had already divided on many points which were now brought forward, it was an answer that might be made to cover any error however enormous: it was an answer which he had continually received during the American war, and which he had as continually despised: it was a mode of answering, however, which had cost the country above one hundred millions of money, and many, many thousands of men; it was by this sort of obstinacy in ministers, and implicit confidence in the House, that this country might be ruined. These topics were resorted to, and this system adopted, by many of the same men in this and in the former war; the conclusion of this might, perhaps, be more calamitous to this country than the conclusion of that war had been. The right hon. gentleman had said a great deal on what was due to our dignity, and that we could not negociate with the present rulers of France without disgracing ourselves. Had the right hon. gentleman forgotten that he himself had negociated with M. Chauvelin, the then minister of these very Jacobins? and that lord Auckland had negociated with Dumourier, the then agent of these very persons? The right hon. gentleman, on all occasions, dwelt much upon danger at home. The House, he feared, would be often called upon to attend to that subject.—When the militia was called out contrary to law, insurrections were alleged as the pretext; but the right hon. gentleman was unable to produce a single instance of any set of individuals having gone any length that was alarming to the constitution. It had

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happened, however, that as the war had proceeded, Jacobins had increased in number in Germany and in Italy. War, therefore, had not hitherto tended to their extermination. He did not intend to have said any thing upon the alarm that had gone forth in this country, nor on the means made use of to increase and spread it; whenever the day came, he should be ready also upon that point. He could not now dismiss the subject, however, without observing, that an alarm had been spread over this country, and a false one, for political and unfair purposes; the charge of conspiracy had been most foully exhibited against innocent persons. He knew how Mr. Walker was indicted for a conspiracy: that charge was most infamously false: it was supported by nothing but the most gross and disgusting perjury; and the jury, against whom no complaint of attachment to Jacobinism was or could be exhibited, had unanimously given a verdict of Not Guilty. This prosecution was forwarded — by whom? He had seen hand-bills upon that and similar subjects; he would not say they were propagated by ministers, but he knew it to be by men not unconnected with ministers. With respect to himself, no man who thought of him with common candour and fairness, would think that he had wishes hostile to the constitution of this country; honest men would think well of him, and from men of another description, he knew he should meet with misrepresentation and slander. It was a misfortune which he had already frequently incurred, and which he must submit to in the present instance. He, therefore, in spite of popular clamour, would declare it to be his opinion, because it was his opinion, that there was that day great cause for alarm in this country, but that the danger was not to be apprehended from low and inconsiderable persons, who had read Mr. Paine's book, and who perhaps, might not understand it, but from those who make the weak, instruments, in the hands of the wicked, for the purpose of destroying the fairest, the most beatiful, the most ornamental, and at the same time the soundest and the best part of the constitution of England, by suspending the laws for the protection of the subject. That there was in this country, at this day, a party who thought the present a good opportunity to try to effect their purpose, and to defeat all the principles of government that were popular at the accession of the house of Brunswick who wished to establish in this country tho despotism of some of the worst governments of the continent, by which all the freedom of the constitution of this country, and the blessings we had enjoyed under it, were to be done away for ever —he was firmly persuaded; they were active, and not without hopes of success; but it was his duty to tell this to the public, that they might see their danger, know whence it came, and prevent it before it was too late. They were a party who had always existed in this country, and who, at different times, under the appellation of high churchmen, jacobites, and tories, had endeavoured to destroy the civil liberties of the country. However odious they might endeavour to make him, he should not cease to oppose their views, so long as he remained in this House, and to warn the people of their danger; and though, in the execution of this duty, he might have to encounter clamour and misrepresentation, he should at least be secure of the approbation of the wise and good, and also of his own conscience.

The House divided:

Tellers.

Yeas	Mr. Grey Mr. Lambton	55
Noes	Mr. Jenkinson Mr. John Smyth	209

So it passed in the negative.

List of the Minority.

Anson, Thomas	Jervoise, C. J.
Aubrey, sir John	Ludlow, earl
Antonie, Lee	Long, Samuel
Baring, sir Francis	Maitland, hon. T.
Bouverie, Edward	Milner, sir W.
Burch, J. R.	Milbanke, Ralph
Byng George	Milnes, R. S.
Clayton, sir Robert	North, Dudley
Courtenay, John	Pierse, Henry
Church, J. B.	Plumer, William
Crewe, John	Powlett, Powlett
Curwen, J. C.	Rawdon, hon. John
Erskine, hon. Thos.	Russell, lord William
Featherstone, sir H.	Sheridan, R. B.
Fitzpatrick, general	Shaw, Cunliffe
Fletcher, sir H.	Smith, William
Fox, C. J.	Spencer, lord Robert
Francis, Philip	St. John St. Andrew
Harrison, John	Sturt, Charles
Harcourt, John	Taylor, M. A.
Honeywood, Filmer	Tarleton, colonel
Howard, Henry	Thompson, Thomas
Hussey, William	Townshend, lord John
Jekyll, Joseph	Vyner, Robert

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Walwyn, James	Wilbraham, R.
Western, C. C.	Wharton, John
Whitbread, Sam.	TELLERS.
Whitmore, John	Lambton, W. Henry
Winnington, sir Ed.	Grey, Charles

Debate in the Lords on the Duke of Bedford's Motion for putting an end to the War with France.] May 30. The order of the day being read,

The Duke of *Bedford* called the attention of their lordships to the discussion of the important subject on which the House had been summoned. It was his design, he said, to bring to their lordships recollection the several stages of the unfortunate war in which we are engaged, so as to show the views in which it was entertained by government and the legislature, the different aspects that it had assumed at different times, and, finally, to point out the utter impossibility that there was at this moment to draw any specific conclusion from their conduct, of what our real intentions in the war were, or to limit the calamity to any object, the attainment of which would satisfy their wishes. In doing this he should find it necessary to intreat their lordships to examine the situation of affairs both at home and abroad, and rigorously to inquire whether they had any well-founded hopes that the system which they were pursuing, and the means which they had taken to accomplish it, were likely to produce any beneficial object whatever to this country, much less the object which was affected to be that which they had in view. Their lordships would be able to enter more clearly into the discussion by hearing the proposition which he meant to submit to their consideration, and he should therefore read them.

The noble duke here read the Resolutions which he meant to submit to the House. These Resolutions were the same as those moved by Mr. Fox, this day in the House of Commons, [see p. 628.] These Resolutions, their lordships would perceive, were generally declarations of facts recorded on their Journals, or taken from public papers, which had been laid upon their table. The fifth resolution, stating the declaration that had been made by lord Hood to the people of Toulon, was the first instance in which we had expressed any design or wish to interfere in the internal affairs of France. The declaration of lord Hood it was material to recollect for the honour of the country, demanded that it should be clearly seen upon what principles the noble lord acted, what terms he proposed, and into what engagements he entered on behalf of his majesty. It was a fact recorded in the noble lord's own words in the paper on the table, that he accepted of their declaration of a wish to adopt a monarchical government, such as it was originally formed by the Constituent assembly, and that he declared to the people of the South of France, that he would protect those who manifested their sentiments, and pledged the faith of the government of England, to the honest and unequivocal maintenance of the object of their declaration. The invitation which he gave to the people of the south of France, to declare themselves, was accepted, the people did repair to the standard which he had erected, and the noble lord, on the 28th of August, solemnly accepted of their declaration, and thus a specific ground and object of the war was held out to the people of France, and the faith of Great Britain was pledged to that people for this clear and specific object of the war.

By the memorial presented to the states-general on the 25th of January 1793, and which was the subject of his sixth resolution, the persons who had made the constitution which we pledged ourselves by lord Hood's declaration to assist in re-establishing, were described as "miscreants assuming the name of philosophers," and which was reviled as the offspring of vanity and licentiousness. He was surprised that this, and other declarations of the same kind, did not produce indignation and abhorrence in every one of their lordships, as a conduct utterly incompatible with the principles of all true and legitimate government, and particularly so of a government founded on the basis of liberty, and of a people who had previously exercised the right of forming a government for themselves. He was astonished that every mind capable of estimating the blessings of independence, did not revolt at the idea of dictating to another independent people what government they should choose, or of interfering in the settlement of their internal concerns. If the most despotic minister of the most despotic sovereign in Europe, had chosen to interfere at the time of the happy revolution in Great Britain, and had published similar declarations to the present, what must have been the feelings of Englishmen on the occasion? Human nature was the same in similar circumstances every where.

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Animated with the desire of delivering themselves from the state of a most abject bondage, they would naturally have contemplated the interference of foreign powers, as a violation of their rights, and as an outrage not to be forgiven. If no people could endure such insult, if for the time they might be too weak to assert and maintain their rights, they would watch for a more suitable occasion; the memory of the act would rankle in their breasts; they would treasure it as a subject of rooted enmity, and as a just cause for going to war the instant they had the means. The French were said to be the original declarers of the war, and it was called upon our parts a defensive war. It was of little concern who were the first declarers, in comparison of who were the first provokers; and he called upon their lordships to say, whether the French could truly consider this country as their friends, and whether we could look back to these preliminary steps in the war with any satisfaction to ourselves, either as to the right, the moderation, or the policy we had exercised.

The next resolutions referred to the means which we had taken, and to the co-operation we had secured for the conduct of this war. Though it was said to be a common cause, it was clear that the nations mentioned in his tenth resolution, who had taken no part in the war, formed a considerable part of Europe; and certainly did not consider it as a common cause. They did not feel that the destruction of the present French government was essential to their security; and with respect to the king of Prussia, he, like those other powers, no longer felt a common concern in the war. The subsidy which we had been drawn in to give him, was evidently extorted by something like a threat upon his part of withdrawing from the war. It was fair, therefore, to say that the king of Prussia differed from us in regard to the terror of French principles; he thought it no longer necessary upon his own account, to carry on this war of self defence, though considering us perhaps as a weak and foolish people, who were ready to purchase his assistance at any price and throw away our treasures, he had no objection to enlist as a mercenary in the crusade.—The present was called a war of humanity, and incessant appeals were made to their lordships' feelings in favour of a war that had for its object the preservation of order, of religion, and humanity; but it would be well for their lordships to recollect, whether, in our very conduct to the king of Prussia, we did not act upon the contrary principle, and pay him a subsidy only to enable him to wage the most cruel and inhuman war that ever was undertaken against any people. When we had the cry of humanity for ever in our mouths, it would be well that we felt its true and genuine emotions. While we stood by to see the people of Poland, loyal, faithful to their neighhours, respectful to the rights of nations, and honourable in every part of their conduct, made the savage prey of our allies; nay, when we granted subsidies to enable our allies to prosecute their injustice with effect, to trample upon the necks of this brave and gallant people, without remorse and without pity, what pretension had we to the true feeling of humanity, or how could we claim to ourselves praise for honest and conscientious regards to the well-being of society? If we made it a plea that the principles of the French tended to attack the independence of nations, and that no neighbouring power was safe from their restless ambition, and their arrogant tyranny, could we shut our eyes to the same practices in the conduct of those powers with whom we were leagued? Did we not assist those powers in assailing the independence of their neighbours, in trampling down order, in confounding establishments, and in spreading ruin and desolation over whole countries? It was idle and hypocritical to assume the pretext of humanity in the one instance, while we laughed it to scorn in the other. There was no integrity in our proceeding. One part of the war of Europe was at variance in its principle with the other. The pretended defender of social order and of national independence in one place, was the assailant and violator of independence in another; and while the people of this country were taught to believe that it was for virtue, and religion, and humanity, that we were at war, they were called upon for a subsidy to one of our allies, enormous beyond all precedent in British history, to enable him to carry on an unprovoked and unjust war against the brave and virtuous people of Poland.

The next resolutions referred to the object of the war as it was originally professed on our side, namely, the restoration of peace on terms of permanent security. This had been the first declared

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intention of this country in the war. It ought undoubtedly to be our uniform object, and this, in his mind, could only be obtained by proposing to France equitable and moderate conditions. Above all, as the means of coming to a proper understanding, a precise and direct declaration should be made, solemnly and explicitly stating the objects that we had in view, and thus finally to clear away all the misunderstandings to which our former conduct had given rise in the war.

The noble duke, having thus gone through his resolutions, said, that their lordships would observe, that drawn as they were, from the official documents on the table, and briefly recapitulating the declarations that had been made from time to time, they presented to the attentive mind various important contradictions. Contradictions in regard to our object, contradictions with regard to our allies, and to the means which we had for the pursuit of the war. He had faithfully copied them from those documents, and he was mistaken if they ought not to have a serious influence on their lordships, as to the conclusions to be drawn from them. He would not say much of the proceedings before we interfered in the war; the origin of the French revolution had been so often a subject of discussion in that House, that it was unnecessary for him to dwell upon it. To whatever other causes it might be assigned, it was chiefly to be ascribed, in his opinion, to the part which France took in the American war. It originated with the men who were sent to the continent of America to assist that people in their struggle with us. There they imbibed the principles of freedom; there they first drank at the delicious fountain of independence; and, elated with the prosperous issue of that struggle, they returned, burning with an enthusiastic ardour for the deliverance of their native land. Soon after the French monarch met his people, by all the accounts he had ever heard, he was good and beneficent; he was eager for the welfare of his people, and honestly wished to favour a melioration of their condition. It was not wonderful that men attached to ancient prejudices, and bred under the ancient system, should be prone to take alarm at the reforms which were introduced. Yet the revolution proceeded for some time with unexampled quiet. After that, speculative men attempted to form a system too pure for the present state of society. But still, though its theories were too fine for the condition of men, yet practice would have softened down these theories, and would have made it one of the most extraordinary and grandest structures that ever was formed by man. While employed on this great and important work, they certainly manifested no hostility to other nations; they propagated no doctrines injurious to the peace or safety of other powers; and, unless some trifling disputes about boundaries, nothing happened justly to excite any jealousy. Two of the great powers of Europe, however, the principles of whose government are purely despotic, affected to see the progress of this revolution with alarm. They thought it was impossible for man to be happy but by living at the will of another man; and having the foundations of their own power laid upon undisputed despotism, they affected to see with jealousy and dread, the establishment of a government on the more rational principles of freedom. They laid the foundation of all that has followed; they began the career into which we and other nations have been brought; and to them posterity would look for all the horrors that have followed. The constitution of 1789 was formed by men of the first rank, both in distinction and in talents; their motives were pure, and their end was laudable; they followed the noblest examples of history; they were eager to deliver their country from despotism, but they were actuated by the purest loyalty to their sovereign and respect for civil rights. How had these men been received in foreign countries? He blushed to think what outrages had been committed on these persons; on M. La Fayette, who professedly retired from his country because he would not sacrifice his loyalty to his king. They had no right to dispute the veracity of M. La Fayette, for his whole life was an illustration of truth, disinterestedness, and honour. Yet, though retiring the victim of loyalty, he was doomed to dungeon after dungeon, and, in his person, liberty had been wounded in the most outrageous manner. But his glorious life would transmit his name to the latest posterity, pure and unsullied.—That there was much to blame in their system of liberty, much to correct, much to alter, was certain. But what a work was a system of government, and how impossible was it for human wisdom to make it perfect in a day! Subsequent to the king's

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death, every species of horror to which humanity could be subject, had taken place in France. Their lordships hearts had been often torn with the melancholy recital. Noble lords thought it necessary to dwell with emphasis on the shocking events that crowded on one another, and that filled every bosom with horror, indignation, pity and disgust, as the feelings were roused against the tyrants, or turned towards the victims. But had not the allied powers urged them on to all these savage acts? Had they not been pressed on from murder to murder, goaded, hunted, set upon like beasts of prey, and rendered desperate in the toil? Had the allies not taught them, that nothing but their extermination would satisfy the courts of Europe? Had they not made a solemn declaration, that nothing but their blood could give security to Europe? And having thus demanded, in the face of France, the lives of their leaders, the men who had given to them, however they might at present exercise it, the sweets of liberty, could it be expected that they would deliver up those leaders, or stand by and tamely see them torn from their sides? My lords, let us not deceive ourselves; before we bring these people to the tribunal of justice, let us be sure that our own hearts are free from the crimes that we affect to abhor; let us be sure that we have not created the fury which has produced these horrors; and let us coolly and deliberately inquire, as friends of that humanity which is so incessantly our theme, if we should not better promote the object of restoring France to order, tranquillity, and government, if, instead of rendering its leaders furious and desperate, we were to make a specific declaration, that we had no desire of interfering in their domestic concerns, and did not presume to arrogate to ourselves the right to dictate what should be their government, or who should be their governors.

The noble duke then came to speak of the arguments which were urged in favour of the war, from the state of things in this country. It was said that we went to war to prevent the introduction of Jacobin principles into England. How it was possible to prevent the introduction of principles he could not easily conceive. To prevent the introduction of Jacobins was possible; but what bars or bolts, what engineering or artillery, could prevent the inroad of principles? This was not a country to be invaded by doctrines contrary to human reason: sentiments favourable to liberty, thank God! were not new to the people of England; sentiments that cherished licentiousness would be received by no people who were not under the torture of oppression; it was only when the mind was suffering from despotism that it was driven to desperate courses; the truest and most secure barrier to licentiousness was, a rational system of freedom. What had produced all the intemperance of those doctrines which were defined by the term Jacobinism, but the system of oppression and tyranny under which the people of France had formerly been doomed to live? What was the means of preventing similar doctrines from taking root in the breasts of Englishmen? The securing to them the enjoyment of the privileges derived from the constitution. Now, my lords, instead of declaiming against the French, let us look at home; let us take care that we are not, by rash experiments on the temper of the people, laying the seeds of discontent and disorder. It is a melancholy consideration, that the alarm which has been so industriously spread against French principles, has been the pretext for pursuing French principles yourselves. You are daily breaking through those strong fences that give confidence to the minds of Englishmen, and that have taught them to be proud of the system under which they live; that reverence for the constitution, which is the source both of obedience and energy, is daily diminished by the stratagems to which resort has been had, and by the rash and violent measures which have been adopted. Look at the laws which you have made since this alarm was excited, and see if they are calculated to endear Englishmen to their native land? When laws are made, or when laws are repealed, by the three branches of the legislature, they ought to be so done upon mature deliberation. The necessity ought to be made manifest to the world; there ought not only to be no juggling, no trick, no delusion practised, but there ought to be no appearance of precipitation; there ought to be none of that haste which can give to a statute the character of rashness. Now, my lords, I recommend to you to reflect on your late acts, and subject them to this test. In the first place, parliament was summoned to meet the year before last on a false

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pretext. The law required, for the summoning of a parliament on such short notice, that there should be either an insurrection or a threatened invasion, and thus parliament was summoned together against law. There was no insurrection; for ministers had not found a single public or private traitor to bring to trial. Here, then, was an act of government, in direct contradiction of a positive law. The next breach of a law was in a body of Hessian troops being kept in this country. The next thing that he should mention might, perhaps be thought trivial; but from things seemingly trivial effects often flowed, which led to dreadful consequences. Their lordships in direct violation of a standing order of the House, had, four days ago, proceeded to pass through a most important bill in one day. The wisdom of their ancestors had laid it down as a lasting rule, that no such precipitation should be practised. How essential it was to the well-being of society, to the dignity, as well as to the effect of their proceedings, that this rule should be strictly observed, he needed not to say; but because it was found that it had been once violated before, their lordships chose to break it again. One breach of order was to justify another breach; and thus the people were taught to believe that all our boasted respect for principles was affectation, and that we had no scruple in departing from the most established rules, when it happened to accommodate a present occasion. These facts were calculated to inculcate in every observant mind the idea, that while we were railing at French doctrines, we did not disdain to pursue them; that we held in contempt both the voice of reason and the voice of the people; and that, in utter defiance of all deliberate wisdom, every thing was made to give way to the imperious vote of an overbearing majority. Another measure that had been too successfully pursued, had not tended less to engender discontent, animosity, and disorder. The association of placemen and pensioners, which bred and fostered swarms of spies and informers, was so opposite to the genuine system of British government, so detestable to the frank hearts and candid minds of Englishmen, so destructive of the openness, generosity, truth, and freedom of the national character, that it was a measure of most atrocious impolicy. That men should be appointed to watch over the levities of conversation, the unguarded moments of conviviality, and to treasure up and give information of perhaps the hasty expressions of passion, excited by the irksome penalties of revenue laws, or by the sufferings which the burthens of these very wars have brought upon industry—passion excited perhaps by the person's having lost his all—his furniture, his tools, perhaps, taken to satisfy the taxes brought upon him by the increasing burdens of the state; and for these expressions of momentary passion, wrung from him by agony—that persons of this kind should be dragged into a court of justice, was a horror at which the heart of a freeman must revolt. But, thank God, the horror went no farther. They had been brought into courts of justice, indeed, but in general the proper feelings of their fellow-citizens had urged them to act as became Englishmen; they had, in general acquitted them, and had, by their verdict of Not Guilty, given the most unequivocal rebuke to the oppression of such a charge. But what must be the emotion raised in the breasts of that very jury, when even their verdict was not sufficient to give deliverance to the object of persecution, and when they found that the prisoner was not able to quit the bar without the leave of the judge? These things were surely not calculated to preserve in the minds of men, that admiration of the constitution, that love and reverence for our laws, that it was so desirable to inculcate.

The noble duke then came to speak to the immediate question of the war. It was argued that it was impossible to make peace, on account of the speeches that had been made in the national convention and from the reports of Barrere, in which it had been stated, that propositions had been made, through our minister at the Swiss Cantons, and that they had rejected all proposals of pacification with disdain. The noble duke treated with great indifference any arguments against peace, founded on vague expressions in debate. Their lordships had often heard in that House expressions as ill-timed, as contemptuous, as virulent, against the leaders of France, as any expressions there could possibly be against us. But he demanded of their lordships, whether they thought so ill of his majesty's ministers, as to believe that they would refuse to listen to equitable terms of peace, because they had been guilty of a number of idle terms of reproach, or of unmeasured expres-

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sions of contempt in their speeches in parliament? He did not believe it possible that any set of men could be governed by motives so narrow: and as the conduct of the leaders on both sides had been equal in this respect, he saw no obstacle to negociation in their mutual reproaches.—The next argument was, how was it possible to make a permanent peace with such people? The word "permanent," was a new epithet, and one the force of which he did not perfectly comprehend as applied to treaties of peace between nations. History would not give their lordships any elevated respect for the term; for history was but a memorial, that no peace had been permanent, when it suited either one or both parties to break it. No prospect of duration, however plausible, had ever been realized; and why they should now be so fastidious in trusting to these people, he could not conjecture. He took it, that these people, like all others in their condition, would act by the rule of interest, and by that only. It was a melancholy recollection, that peace had never been continued by the influence of justice, and that all the unjust wars which had taken place in the world, had never made that impression upon rulers and governors of kingdoms, to deter them from pursuing the same course. It seldom happened that an unjust war was undertaken without involving its authors in dreadful consequences. The most unjust war that had ever been made against this country had brought consequences on the head of the king that were shocking to recollect? The noble duke intreated their lordships to dismiss from their minds all passion, which could serve only to blind the judgment and to obscure truth; to look at the conduct of our allies, and at the evident change in the sentiments of a considerable part of Europe; and he was confident that, if they would weigh the question in the impartial scales of reason, they would be persuaded that the course in which we were engaged was neither politic nor safe; that there was no real foundation for the alarms which we affected to entertain; and that, viewing the energy with which the French waged war for their independence, and feeling correspondent vigour in our own breasts, we should be convinced that we could neither conquer France, nor that France could conquer us. The noble duke then moved his first Resolution. [See p. 628.]

Lord *Auckland* said, that as one of the resolutions personally affected himself, he felt solicitous to offer what occurred to him respecting it. The noble duke had been pleased to consider one of the declarations presented by him, when ambassador to the States General of the United Provinces, as calumniating certain persons at the head of another government towards which his majesty had professed to observe a strict neutrality. The following were the words on which the noble duke was pleased to ground his charge: "It is not quite four years since certain miscreants, assuming the name of philosophers, have presumed to think themselves capable of establishing a new system of civil society: in order to realize this dream, the offspring of vanity, it became necessary for them to overturn and destroy all established notions of subordination, of morals, and of religion." In order to appreciate these expressions, he must entreat their lordships to recollect the date of the paper from which the extract is taken. That paper was dated 25th January 1793, several weeks subsequent to the Revolutionary Decree, issued by the Convention for the avowed purpose of subverting every government in Europe; subsequent also to the invasion of the territory of Holland, by the forcible entry of French armed vessels into the Scheldt; four days subsequent to the atrocious murder of the unfortunate king; and six days prior to the declaration of war against England and Holland; in order to which, the most perfidious measures had already been adopted by the Freneh Executive Council. Under such circumstances, he did not think it necessary at the time to manage his expressions, nor did he now feel himself called upon to justify them. He certainly meant to allude to that description of persons who had principally managed the first Constituent assembly, to whose vanity, presumption, folly, and infernal wickedness, he had attributed the whole mass of calamities, crimes, and dangers, which now afflict and appal mankind. He particularly meant Messrs. Brissot, Condorcet, Syeyes, Petion, and their co-operators; some of whom were of a higher rank and description. He did not mean to allude to the men of blood who have taken the lead in the present convention: those men (with the single exception of Syeyes) had not even the pretension or the affectation of philosophy; they never

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had shown an ambition to be considered in any other point of view than as atheists and assassins; the enemies of God and the human race: to that description they had by their deeds supported their title. He had no apology to make either to them or to their predecessors for the sentiments and language which he had so long maintained respecting them.—The resolutions brought forward by the noble duke had at least one advantage; they precluded an objection which had lately been often made, and with too much reason; they made it nearly impossible to introduce extraneous matter into debate; they opened the whole circle of politics, foreign and domestic. He trusted, however, that their lordships would be little disposed to discuss those resolutions *seriatim;* it would be a waste of time. The substance of each resolution had already been ably and fully spoken to by several noble lords in preceding debates; he would therefore confine himself to a few general remarks. And first, as to the internal situation of the kingdom. The noble duke had been pleased to say, that if any dangerous fermentations prevailed, they had been introduced by the culpable system of government, and by the innovation of law and of order. And the noble duke, adverting to the measures lately adopted by parliament for the effectual suppression of seditious attempts, had reprehended those measures in terms more remarkable for their force, than for their justice, prudence, or temperance. Lord Auckland added, that if he knew less on this subject, he should be disposed to say more; but having acted in it as a magistrate, he could not use the language of an accuser, and should at any rate feel it objectionable to enter into criminal charges, which were now referred to judicial examination. He would only remark in general, that, whatever was the extent of the danger, it had, in great measure, ceased from the moment that the conspiracy came under cognizance and public inquiry. If, however, that conspiracy had been longer neglected, it would have become a corroding and fatal cancer within the bosom and vitals of the kingdom. And here it seemed material to remark, that the seditious disposition had been confined to a low and bankrupt class, misguided and instigated by a few desperate and wrong-headed individuals. It had also appeared, that in the great bulk of the country, there existed a prevalence of good sense and of loyalty; a strong attachment to the constitution under which we enjoy such blessings; and a just apprehension of the delusive notions which have brought upon France the cruellest despotism ever seen in the worst pages of the history of mankind; a despotism under which one half of that unhappy nation is occupied in the robbery and murder of the other half.—The noble duke had attempted to show, that the objects of the war had in the course of it been contradictory, and that it was become impossible to attain them. He fully agreed with the noble duke as to the difficulties and risks of the war; he never had seen it otherwise than with the most serious uneasiness. He had expressed himself strongly to this effect on the first day of the session.* Nothing had since happened to lessen his uneasiness; on the contrary, it was gaining strength. When he saw in the people of France a desperate abandonment of all principles of humanity, morality, and religion; when they were known to overleap every consideration which must restrain the exertions of other nations as long as there remains on the earth any regard for life or for property, he could not but feel that, in this point of view, the contest was unequal. We certainly had a formidable enemy; but we had no alternative; we were in the predicament of a rower against a torrent,

"Si brachia forte remisit;
"Atque illum in præceps prono rapit alveus amni."

On the other hand, he was far from feeling despondence. It was not to be supposed that so unnatural and so monstrous a paroxysm as that of France could be permanent. His confidence in the protection of Providence would not allow him to believe that the Supreme Being had determined the subversion of all states, and the general destruction of mankind by each other's hands. He hoped therefore, that before the next session should arrive, the prospects of Europe would be far less gloomy than he confessed them to be at present, and that we should be drawing towards a safe close of a just and unavoidable war. He concluded by a motion of adjournment.

The Earl of *Darnley* was anxious to state his reasons why he could not agree with any of the resolutions proposed by the noble duke. All the arguments which had been urged in favour of peace were

* See Vol. 30, p. 1065.

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such as had been often urged and often refuted before. He thought the war had been justly entered into on our part; nor did he think there was the smallest variation in principle, or contradiction in fact, in any declaration that had been issued by the different combined powers. With respect to subsidising the king of Prussia, the fair question was not whether he could or could not go on without that subsidy, but whether we required his assistance; and, being under that necessity, whether we could have obtained it upon better terms? He thought that French principles were making rapid strides in this country, and, therefore, that every lover of good order was bound to approve of the manner in which ministers had proceeded to check them; for otherwise we might have experienced the same scenes of anarchy and confusion that had taken place in France. A great majority in parliament had testified their approbation of them, and he was sure as great a majority was to be found among the people at large. It was true, a few persons in that House took occasion to cavil at every proceeding that went to the attainment of the grand object. We had every thing at stake, and therefore he could not approve the throwing any impediment in the way of the executive power, who were acting so wisely and so prudently; and, on that account, he should give his negative to these resolutions.

Earl *Fitzwilliam* said, it did not follow, because the matter of most of the resolutions was to be found on their table, that therefore they were to adopt the conclusions drawn from them. The precise question to be inquired into was, whether it was wise to come at this time to a specific declaration of our object in the war or not? In his opinion, it was not called for by the present circumstances of Europe. The object was sufficiently apparent. The noble duke had made it a doubtful question who were the authors of the war: but it surely was not doubtful whether the French had made the public profession of doctrines that were inimical to this and every civilized country. Had they not also made direct war on our allies? How could it then be said, that they had not been the provokers as well as the declarers of the war? We had borne with them too long. If he were inclined at all to blame ministers, he should arraign them only for being tardy in their proceedings. But they had his cordial and entire approbation for having at length aroused themselves from their lethargy, and taken steps to secure us against the horrors which had desolated France.—It had been urged, that we had no right to interfere in the conduct of France. He denied the position. It became a great and magnanimous people to become the defenders of mankind. It had been the glorious province of England at all times. Our great king William had, in the same manner, risen up the defender of mankind against the ambition of Louis 14th; and had confederated with the other powers to stem the torrent that then threatened to overwhelm the world. We had now the same object; for France sought to overrun Europe, though by other means; and whether it was to be by arms, or the more pernicious force of false logic, he trusted that this country would never be so supine as either to become a vile province of France, or to desert the cause of mankind in general. Had not France attacked the independence of those states whose weakness presented them to her ambition as easy prey? What was the state of Savoy, and, at that instant, of Piedmont? Surely in such a crisis England should pursue its ancient and dignified system of protecting the weak, and of preserving the order and safety of mankind. Yet we had been arraigned for assisting the king of Sardinia to defend himself. Such had been the policy of England in its most glorious eras. Such had been our system during the whig administration of queen Anne, and it had brought distinction and honour to England. When the Tory administration that followed changed that system, deserted our allies and abandoned the cause of the weak, what were not the calamities and the disgrace that ensued? Yes; he avowed the interference of England. We had a right to interfere in the internal affairs of France, until those affairs should be so regulated as to give security to mankind. He should withdraw his feeble support from ministers if they were to abandon this principle. Nor had he any hesitation in declaring that he was an advocate for the re-establishment of monarchy in France; because that was an intelligible means of restoring order. It was not from his mere love of monarchy that he did this, for he admired the simple and beautiful superstructure of America, who had exerted the purest wisdom in

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the formation of her government; but it was because he wished to have something solid to repose upon for the peace and happiness of mankind. By the restoration of monarchy, every thing would fall again into its place.—He denied that the king of Prussia and the Emperor had been the authors of the war. On the contrary, Brissot himself had owned, that they had made the rupture with the express design of overturning the monarchy of France, and they had too successfully gained their end. The noble duke had rather unfortunately said, that men might be guilty of expressions against the government in the heat of passion, from the burdens of the increased taxes arising from the war. He was unfortunate in the instance, because as yet he did not believe a single shilling of new taxes had been paid by any individual. He was sure that the public feeling was in favour of the war. He could assure the House that the west riding of Yorkshire was unanimous in its sentiments on the occasion—satisfied with the measures of government in regard to the war, and grateful for the steps that had been taken to preserve us from the contamination of Jacobin doctrines. The rigorous measures of suspending the Habeas Corpus and other acts, were in unison with the opinion of the country. They saw that this course was consistent with the true policy of the nation, which depended for its trade and commerce not only on its own peace, but on the tranquillity and safety of other nations. We were not to judge of England as it appeared on the map, a little, miserable, accidental speck, but as a most magnificent empire, contributing to the wants, and securing the prosperity of all the nations of the earth. He should give his vote for the motion of adjournment.

The Duke of *Grafton* began by stating the obligations of the country at large to the noble duke who brought forward this motion. It was not his intention, because he considered it superfluous, to enter into the variety of foreign matter introduced by the noble lord who spoke second in this debate. He would, before he entered farther, give his strongest negative to the proposition of continuing the war, until the restoration of monarchy in France, as he considered that every nation had a right to establish that form of government best suited to the majority of the people, and that the majority had an undoubted right to choose its own peculiar form of government. After urging the necessity of our concluding a peace with France, he took notice of the alarm at present artfully raised, in order to give an opportunity of carrying measures the most unconstitutional. He did not suppose the propositions urged by the noble duke would be carrid that night; but, as in all probability it was the last motion of the kind that would come forward this session, he entreated their lordships to consider the matter well before the next meeting of parliament; and if they could judge unbiassed and impartially, he was certain they would, ere that period, confess the necessity of adopting these resolutions; but should they not, he was convinced this good must result—the people at large, with a veneration for the high character who had brought forward this debate, would themselves well weigh the situation in which the country stood, and by petition, or other means, instruct their representatives, that peace would be the unanimous cry, and that the name of Russell and Liberty would be held in veneration by posterity.—The noble earl who had just sat down had given them one piece of information, and no unimportant one; that their lordships would retire into the country, with the consolation, that our object was not only to overturn the present form of government in France, but that we were not to stop short of the re-establishment of monarchy.

Earl *Fitzwilliam* explained, that he had only meant, that, in his opinion, a disposition in the people of France to restore monarchy would be a proof of their returning to order.

The Duke of *Grafton* was happy at this explanation, because it gave him hopes that this strange crusade was not to be carried to that wild extent he had feared was intended. He was now, and had always been, of opinion, that the war was unnecessarily entered into on our part. He did not deny, that some aggression had been made by France on its neighbours, though possibly not without provocation; but was it therefore necessary that we should rush into a war? Would it have been any ways derogatory to our character to have stood forward as a mediator? And would either Austria or France at that time have refused to take us as an arbitrator? As we had thus run heedlessly into a war, it was not so much

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a matter of surprise that the principals had become our subsidiaries. The king of Prussia had been defended upon the ground of incapacity to carry on the war without pecuniary assistance; but was that the fact? Would any noble lord undertake to say, that it would not hereafter turn out that that monarch rather wished to save his expenses in this grand combination, to carry on a war in another quarter, against a brave and loyal people, struggling for their rights and liberties? To his tardiness, however, and withholding his forces, were certainly to be attributed the advantages the French had obtained in West Flanders. Another of our allies, the Emperor, should we go into another campaign, there was reason to fear, would not be able to make the most vigorous exertions. The empress of Russia, had apparently but very little inclination to the business, and much assistance was not to be expected from her. Spain seemed totally incapable of defending herself; and his Sardinian majesty was nearly ruined. Did ministers suppose the good sense of the people of this country would suffer them to go on in this manner? He could remember more than one instance where that good sense had been exerted with great advantage to the country, and he hoped to see it so again: it had been the means of putting an end to the American contest, during which, something like the present insinuations were used against those who opposed its continuance. This same good sense had also again interfered, and saved us from a Russian war. A noble earl had said, that no complaint as yet ought to be made of the expenses, because none were paid. Was it not matter of complaint to perceive the burden that must inevitably follow, and to behold the whole property of the country held out, as it were, upon mortgage. But the circulation of French principles seemed to be a full answer for every extraordinary proceeding, and with that as an excuse, every part of our constitution was to be invaded with impunity. This had been so ably described by the noble duke who had come forward on this occasion, that it was unnecessary for him to dwell upon it: to the abilities he had displayed on this occasion, he should say little, because he would not personally praise; but thus much he would assert, that it must be a pleasing circumstance to his countrymen to find coming forward as a champion for their liberties, the lineal descendant of him who cheerfully yielded his life in defence of their constitution.

The Earl of *Mansfield* condemned the resolutions before the House, though he had the utmost esteem for the noble mover. But when he heard measures, which had so repeatedly received the sanction of that House, accused as having a tendency to bring mischief on posterity, he found it impossible to sit silent. He was not desirous to shrink from his share of the imputation, but would take his part of the censure that might arise from those measures, and continue to give them his strongest support. He would ask the noble duke what purpose could be answered by parliament adopting such resolutions as he had proposed? Had their lordships forgotten the principles of the British constitution, and ths spirit that distinguished British councils, so far as to say they were ready to prostrate themselves at the feet of the French convention, and ask forgiveness for the measures they had so often and so solemnly approved? He besought their lordships to recollect, that there was a great difference between the effect of solemn resolutions of parliament, and occasional debate: the one might possibly make an impression on foreign powers, but a very slight impression compared with the other. He put it to their lordships to consider, whether they would, without the consent of our allies, send and offer to treat with the enemy? He regretted very much that a noble duke should say that this country was mortgaged: which was as much as to say, that it was in no case, however urgent the necessity, able to maintain a war. If such, indeed, was the case, Great Britain held her existence on the precarious tenure of the will of any other nation who chose to attack and subjugate her. He contended, that the present was a defensive war; but could not agree with those who said, that because it was a defensive war, this country had no right to interfere with the internal concerns of the enemy. From nothing that he had ever known or could find in history, was such a doctrine to be deduced as that, because we were to act on the defensive, we were not to weaken, by every means in our power, the strength of our enemy; as well might it be said that a man, with his back at a wall, firing against an antagonist, ought only to parry, and never to push against that antagonist, even though

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an opportunity occurred; in this way, certainly the person on his defence must inevitably be subdued at last; and just so it would be found with any two powers, even supposing them to be equally matched; for if that power who acted upon the defensive system, did not endeavour to conquer its enemy, by every means in its power, it must undoubtedly at length be conquered.—As to the assertion that ministers had forced France into a war, he would encounter it with a paper he held in his hand. This paper was the letter of the abbé Syeyes to M. Neckar, in which he makes use of these words: "I shall regret all my life, that France provoked war, and set Europe against her." Yet noble peers were now found in that House to throw the odium of having instigated the French to war on us, and to accuse Great Britain of being the aggressor! On this point he thought it almost superfluous to remind the House, that the Girondists accused the Jacobins, and the Jacobins the Girondists, of being the authors of the war; but all agreed in that great substantial point, that it was not any foreign power that provoked or began it. As to the king of Prussia's deserting the confederacy, he denied the fact. That monarch had, indeed, declared, that he was unable to maintain so very large a force as was expected from him in the field; but he had fulfilled, and offered to continue to fulfil, all his engagements by treaty, by not only furnishing his contingent as a member of the Germanic body, but also the quota reserved by his treaties with Holland and Great Britain. This was far from being a desertion of the alliance. But a new principle had that night been broached; and it had been asked why, if it was a defensive war, we carried hostilities against the enemy's country? It was the first time he had heard it laid down as a doctrine, that because a war was defensive, the assailant should not be attacked. He, for his part, thought, that the best mode of defence was to carry the war into the enemy's country. "Whence arose this officious care of the Gallic nation? How came it that we observed feelings to operate in the present instance that never were known before? It could not be partiality to the French! What, then, could it be? or what motive produced this strange phenomenon in the minds of Englishmen? Whatever might be the origin of those feelings, he thanked God their influence was not very extensive; and was sure, that as the mass of the people of this country unequivocally approved of the conduct of ministers, so the measures adopted by them on the subject in question would be handed down to posterity with applause and honour." To that part of the noble duke's motion which went to declare to France what was the object of the war, he had no objection. His construction of the object was, the destruction of that anarchy and usurped power which now prevailed in that country; and the restoration of order and legal government. He had always been of opinion, that an hereditary monarchy was best suited to the French character, and had no doubt of the ultimate success of the war, if it was pursued with vigour.

The Duke of *Grafton* rose in explanation. He said that at the time when he left the situation which he had held in administration, the public debt of the country amounted to 130 millions, and it was now more than doubled. This circumstance, had there been no other, warranted all that he had said about the resources of the country. He disapproved of the funding system, and it had always been his wish that the necessary supplies of the year should be provided for and paid within the year; for we certainly had no right to indulge in speculations for our own purposes, to the oppression and ruin of our posterity. He, with a large family at his back, would have no objection to contribute to the expenses of the state in a manner proportionable to the property he possessed.

The Earl of *Abingdon* said:—The best road to peace, my lords, is war, and that in the manner we are taught to worship our Creator, namely, by carrying it on with all our souls, with all our minds, with all our hearts, and with all our strength; and so, my lords, I am against this motion.

The Earl of *Albemarle* declared solemnly, that he saw no cause for alarm in this country, or for the late unconstitutional proceedings. He firmly believed a permanent peace might be made with the French; that the present war was unnecessary and unjust, and that the objects of it had ceased to exist, and the nature of it entirely changed. He was convinced it was impossible for us to obtain final success.

The Earl of *Lauderdale* considered it to be his duty to offer his tribute of praise and thanks to the noble duke for the motion which he had brought forward, and

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more particularly for the able, manly and eloquent manner in which he had brought it forward. A noble lord in his comments on the speech of the noble mover had observed, that he had urged nothing new. New! What novelty would he desire? Did not every gazette gratify his eager curiosity? Did not every letter from the continent, bring new accounts of expenditure, and new accounts of blood-shed? With regard to the possibility of making peace, he saw none of those difficulties which some people were afraid of. He reprobated the idea that this country must never make peace, till the ancient monarchy of France was re-established. With regard to the opinions of the people in that country being for monarchy, he had been in it, and had never heard that such was their wish, however much they might be displeased with the ruling party at the time. Notwithstanding the insinuation that the French nation was hostile to the ruling powers, and that the soldiers were ready to yield up their arms to the allies, fatal experience had proved that they would never yield the palm of victory but when they were out-general'd or overpowered by numbers. Their present condition was worthy of remark. The whole nation had been trained to arms for the last three years. It was much to be feared, that the alienation of the church lands and the estates of the emigrants had given to the mass of the people an interest in the support of their present rulers, that could not be easily shaken by foreign armies. If, however, their whole system could be overturned, and we were to succeed in placing a monarch upon the throne, we ought to calculate the expense of maintaining him in his situation, contrary to the wishes of the majority of the nation. Peace was the most desirable thing for the nation at large, and therefore the motion deserved the concurrence of every well-wisher of his country.

Lord *Hawkesbury* said, that he entertained a high respect for the noble duke who had brought forward the resolutions —for his rank, for his property, and for his talents; but he had heard from a noble peer (earl Fitzwilliam) a speech of the best and noblest kind, the voice of a large, populous, trading, and manufacturing county. He would set the authority of the one against the authority of the other, and had little doubt which would preponderate in the minds of the House. He reminded their lordships, that there was no step which they should be so cautious in taking, as that of interfering with the royal prerogative, more particularly in any thing respecting peace or war. The enemy might infer from it, that the legislative part of the government was adverse to the executive, and thus peace would be made doubly difficult of attainment. It would blow the sparks of dissension too, among our allies; and from that moment the enemy would rear their crest with more formidable boldness. For two or three years government had declined interfering with the concerns of France; and in return for this friendly quiescence, she had attacked our allies, threatened ourselves, fomented sedition and discontent in the bowels of our country, and had finally attacked us in open hostility. As we had not interfered with France, France should not have interterfered with us; and from their having made war, no one acquainted with the law of nations could call in question the propriety of our attacking them in every way that could conduce to our ultimate success. He was convinced that no permanent peace could be hoped for with France, while the government there continued to act on their present system. If he were asked, what was the most speedy method of procuring peace, he would say, it was a change in that government; and he was persuaded, that twenty-five millions of people could not possibly be held under a republican form of government; as a proof of this, England, a less populous nation, and possessing for centuries a government which contained a portion of republicanism in its composition, found it impossible to sink into a form totally republican; and after a lapse of fourteen years, returned, at the Restoration, to the monarchical form of government. A noble duke had said that instead of adding to the national debt, we should raise the whole money wanted each year by taxes. This was a most visionary proposition. No man had gone bolder lengths that way than his right hon. friend at the head of the Treasury had done already in the case of the Spanish armament; and in the present case, he had done much, by pledging himself and the parliament to apply a million yearly to the sinking fund. Money never was so plentiful as at present; and the conquest of the West-India islands was a new source of wealth. They had produced to France

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ten millions yearly: we had already got two-thirds of them; so that there was a benefit accruing from the war of at least two-thirds of ten millions yearly. This was not all; our manufacturers would be employed in increasing numbers, and wealth would by that means be daily flowing in upon us. From this prospect of our rising commerce, he insisted, that, notwithstanding the expenses incurred by the war, the country was far from being in a state of depression. He contended that the restoration of a monarchical government in France, was the only foundation on which the peace of Europe could be secured.

The Marquis of *Lansdown* began with paying a handsome compliment to the noble duke who brought forward the resolutions, and who, from his situation, rank, and property, must be allowed to have some stake in the country. Another noble duke had come forward in a manner equally honourable to himself and gratifying to his country; and was it to be supposed that he who had been in such exalted situations which he had filled with so much credit, and who had so long retired to benefit his country in another way by improvements in agriculture, would come from that retirement for such purposes as those which the enemies of the war were said to pursue? Did any body believe that those noble dukes and other lords who formed the opposition of that night, had any intention to subvert the constitution and destroy the property of the country? It was said that the minority consisted of only nine; but he believed those nine would soon increase to ninety; at any rate, small as the minority appeared, it was as numerous as his majesty's cabinet; and as to character, riches, property, and abilities, he would leave it to the country to determine which had the pre-eminence. Much has been said on the danger of a Republic in France. Where the sentiments of the greatest statesmen had been baffled, he would not give a decided opinion; but as it was the fashion with ministers continually to hazard opinions, he also would hazard his; he thought then, that the best government for France, and the one which would eventually be most advantageous to this country, would be a republican fœderal government, such as that of America; with such a government, we should have more security for peace, than under any monarchy. It was chimerical to look for the restoration of monarchy in France. Those who thought a coronation the cure for all political evils, likened the state of that country to our own previous to the restoration. He saw not the most distant similarity. Cromwell had but little alienated the property. The great bulk of the fortunes of this country stood unimpaired and unsequestered. The kingly power was therefore necessary; it was the centre of union and the consolidation of interests. But no sober man could imagine, for a moment, if France were brought to-morrow to accept a sovereign of our dictation, that any thing like restoration and restitution of property could ever now be made. The whole body of wealth had so totally passed away from its original possessors, that nothing like this recompense could ever be made. After the fate of the several propositions which had in the course of the session, been submitted to the House by noble lords who agreed with him on political subjects, he could not entertain a hope that the resolutions proposed that night would be agreed to; but he hoped that the discussion would induce the moderate body of the people at large, which constituted the real power of the state, to assemble in a legal manner in the course of the summer, and express their decided opinion on the evils under which we laboured in prosecuting a war, the motives and grounds of which had been so often changed by ministers, and the termination of which appeared so distant. And he was convinced that the strong voice of the governed would produce upon the governing the salutary effect which it must always be attended with, that of awakening them to the true interests of the people. His lordship adverted to the situation of the allied armies on the continent, which, he maintained were unable to subjugate France; it being evident, that the veteran troops of Austria and Prussia, conducted by the ablest generals of the age, were inadequate to the conquest of men who were inspired with the love of their country. As to the English troops on the continent, the devastation among them might be conceived, from, the fact that boys of sixteen years of age were captains of cavalry; that to replace the finest body of troops of that description which perhaps the world ever saw, were sent out horses which had never been ridden, and men that never rode. From the most dispassionate consideration he could give

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the conduct of ministers, he thought it of so rash and unjustifiable a nature, that if he had any personal animosity to them, he could not wish them in a more infamous down-hill path to ruin than that they were proceeding in; and happy would it be for the country, if they alone were likely to suffer: but if the same prodigality should be persisted in, the ruin would be general. He thought a motion of adjournment the most odious way of dismissing the subject, and a mode which ministers would not have adopted, had not the resolutions been such as they could not negative and dared not admit.

Lord *Grenville* felt it unnecessary to enter much upon a subject which was sustained by no new grounds of argument, and upon which the House had so frequently decided. He thought it right, however, to counteract any impression which the desponding speeches of some noble lords might possibly make upon the hopes and expectation of the public. For this purpose he would cursorily take the question in three points of view; first as it regarded our comparative situation with the enemy in the progress of the war, secondly our resources in wealth and commerce, to continue it while necessary, and thirdly, the internal strength of this country contrasted with that of its adversary. Not to dwell for the present on the objects of the war, which must ever depend upon and change with circumstances, the leading purpose at every time must be the attainment of secure and permanent peace. This was an object which the government of France ever since the commencement of hostilities, had constantly put it out of our power to obtain. If we had entered into any negociation with the persons who last year exercised the powers of government in France, the execution of Brissot and his confederates would show us how delusive such an attempt must prove. By a late proceeding of the Convention, it was manifest, that the present government was as precarious and unsubstantial as that of its predecessors; for Barrere, in his report of the conspiracy of his former colleague Danton, had declared, that if his arrest and execution had been suspended for a single day, the lives of the Committee of Public Safety, as well as those of the Convention, would undubitably have been the immediate sacrifice. So that till the present monstrous system was absolutely overthrown, there was no authority with which we could treat with any degree of safety.—But, independent of the radical imperfection of such a government, the present rulers showed so inveterate a malignity to this country, that it would be folly to rely on the sincerity of their intentions, if indeed England had not too much at stake to admit of any compromise. When a noble marquis said, that the peers of opposition were not likely to sacrifice their property to the wild plans of revolution, the noble marquis might have asked himself, whether the government, and the great body of parliament, might not also have some feelings of the same kind? Whether they had not some abilities too? And, whether there were not among them some who were entitled to the character of integrity. He would not unnecessarily detain them with any remarks on our comparative situation in the progress of the war. The slightest view would show, that our advances were such as had never been exceeded in any first campaign with which our history was acquainted. In the conduct of every war, a nation must expect to meet with some of its vicissitudes, and with only this abatement, we could rely with confidence on the superiority of skill and discipline in our soldiers and officers, which could scarcely fail of producing a successful issue to the contest. If we looked to foreign acquisitions, our advantages were unbounded. In the West-Indies we had conquered almost all that the enemy possessed in those quarters, and which formerly furnished them with great resources for war. In the East, not a place was left which France could call her own; and this was a sufficient argument to show our maritime and commercial superiority. The trade of those distant dependencies would pour new streams of wealth into the lap of Great Britain; and such was at this moment the flourishing state of our commerce and our credit, that, however expensive the continuance of the war had been, the nation hitherto had felt little inconvenience from its pressure. In contrast with this picture, he placed the miserable condition of France, its desperate resources, annihilated commerce, and ruined revenues. All property in that country was perfectly destroyed. A decree of the Convention would show, that no man in France could possess a property of more than 200*l.* annual income; nor was there any reason to doubt that such a decree would be enforced, with all the rigour and injustice in which it had ori-

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ginated. As to the extent of the disaffection which prevailed in France to the existing government, that, from the impossibility of obtaining any precise statement, must be matter of opinion; but to men sensible of the advantages and comforts of social order, it would be a fair inference, that the disaffection must be very extensive. It might not be very easy to ascertain the number of men in arms against the Convention; but the letters of its own commissioners would explain, that in all the north-west provinces there was scarcely an individual who owned any obedience to the present oppressors. If the feelings of the House could bear the recitals, even such as those were which reached us of the horrid carnage every day committed at Lyons, Toulon, and other provinces of France, it would not admit of a doubt but the majority of the people felt their shocking situation, and were only prevented, by their fears of immediate punishment and death, from uniting to overthrow a tyranny which, in the nature of things, but must be of short duration. Thus circumstanced, it must of course be expected that the cause of the allies would be greatly assisted in the interior of France, and that those who now were submissive under the influence of terror, would readily co-operate with us whenever they had a chance of success. Flattering as this prospect of affairs must be, if the view was totally reversed, he would still persevere in trying the effect of war, and rely upon the spirit of Britons, to hazard a last effort, and bravely perish in arms, rather than resign at the feet of their assailants the inestimable advantages of order and civilization. But finding, on the other hand, that we had every thing in our favour to inspire confidence of success, he would resist a motion which could have no other effect than that of depressing the courage of the people, swelling the pride of our enemies, and insinuating a spirit of distrust and disunion amongst our allies.

The duke of Bedford replied. After which, the House divided on the question of adjournment: Contents, 82; Proxies, 31—113; Non-contents, 13.—Majority 100.

List of the Minority.

Dukes of Bedford,	Earls of Guildford,
Norfolk,	Lauderdale,
Grafton,	Derby,
Marq. of Lansdown,	Thanet,
Albemarle,	Lords Chedworth,
Egmont,	St. John.
Stanhope,	

A Protest was entered on the Journals, couched in the precise words of the Resolutions moved by the duke of Bedford.

Second Report from the Committee of Secrecy of the House of Commons respecting Seditious Practices.] June 6. Mr. Chancellor Pitt reported from the Committee of Secrecy, that the committee had further examined the matters to them referred, and had directed him to make a Report thereof to the House; and he read the Report in his place; and afterwards delivered it in at the clerk's table: where the same was read. The said Report, together with the Appendix thereunto; and the Supplement to the said Report, with the Appendix to such Supplement; are as followeth: viz.

SECOND REPORT FROM THE COMMITTEE OF SECRECY.

The Committee to whom the several Papers referred to in his Majesty's Message of the 12th day of May 1794, and which were presented (sealed up) to the House, by Mr. Secretary Dundas, upon the 12th and 13th days of the said month, by his majesty's command, were referred; and who were directed to examine the matters thereof, and report the same, as they should appear to them, to the House;

Have further proceeded in the examination of the books and papers referred to them by the House, and of such other information as they have since obtained.

The latter has consisted of a variety of examinations and depositions taken before the Privy Council, of papers found in the custody of different persons who have been apprehended, and of accounts received by the secretary of state relative to discoveries made at Edinburgh, and in different parts of Scotland: all which have been laid before your committee.

The result appears to your committee strongly to confirm all the propositions which they found it their duty, on the outset of their inquiry, to submit to the House, and to leave no doubt of the nature, extent, and malignity of the extravagant designs which have been formed, of the regularity and system with which these designs have been pursued, or of the rapid progress of the measures which had been taken in order to attempt to carry them speedily into execution.

Before the Committee submit to the House such further details as appear necessary to give a general and comprehensive view of the subject, and to show the origin and progress of the plan which has been in agitation, they think it right to call the attention of the House to some transactions of a recent date,

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and which appear to be of so much importance as to deserve a separate statement.

The first of these has already been shortly referred to in the former report, and relates to the measures taken for providing arms, to be distributed among the members of the several societies, and for preparing the means of employing actual force in the execution of their project.

The circumstance which first came under the observation of your committee, containing a distinct trace of measures of this description, was a letter from a person at Sheffield, by profession a printer (who has since absconded) which was thus addressed—"Citizen Hardy, Secretary of the London Corresponding Society," and which was found in the possession of Hardy on the 12th day of May last, when he was taken into custody. The letter is as follows:

"*Sheffield, April* 24, 1794.

"Fellow Citizens;

"The barefaced aristocracy of the present administration has made it necessary that we should be prepared to act on the defensive against any attack they may command their newly armed minions to make upon us. A plan has been hit upon; and if encouraged sufficiently, will, no doubt, have the effect of furnishing a quantity of pikes to the patriots; great enough to make them formidable. The blades are made of steel, tempered and polished after an approved form. They may be fixed into any shafts; but fir ones are recommended, of the girth of the accompanying hoops at the top end, and about an inch more at the bottom. The blades and hoops, more than which cannot be properly sent to any great distance, will be charged one shilling. Money to be sent with the order. As the institution is in its infancy, immediate encouragement is necessary.

Struck through in the Original.

"*Orders may be sent to the Secretary of the Sheffield Constitutional Society.*

"(Signed,)

"To prevent post suspicion, direct to" [Here follows, in the original, the name of the person to whom the letters were to be addressed, and his residence at Sheffield.]

This letter contained another inclosed, directed to the Secretary of the Norwich Patriotic Societies, which was found in the possession of the Secretary to the London Corresponding Society; and which is as follows:

"Fellow Citizen;

"The barefaced aristocracy of the present administration has made it necessary to prepare to act upon the defensive, in case of any attack upon the patriots.

"A plan has been formed for carrying into effect this necessary business. Pike blades are made with hoops for the shafts to fit the top ends; the bottom end of the shafts should be about an inch thicker; and fir is recommended for the shafts, selected by persons who are judges of wood. The blades and hoops will be sold at the rate of one shilling, properly tempered and polished. The money sent with the orders.

"(Signed,)

"Direct to" [Here follows, in the original, the name of the person to whom the letters were to be addressed, and his residence at Sheffield] "to prevent the postmaster's suspicion."

Your committee soon after found that by the different examinations taken before the Privy Council, it was fully established that the general idea of procuring arms (either muskets or pikes) to be distributed among the members, had of late been frequently the subject of conversation at different divisions among the leading members of the Corresponding Society, and among persons who have been most active in the measures lately taken; that although these conversations had frequently taken place, they had generally been after the business of the meetings was closed, and when only a few persons remained. It appears indeed to have been, in a great measure, agreed that this plan was not to be publicly mentioned at the divisions; particularly it was recommended by one of the most active persons not to mention it till the new plan of constitution for the society was settled. And it has appeared (in the course of this investigation) that the arming business was all done by private members, and that it was held not fit to talk of the pikes but to those who were to be trusted: that the general business was done by a committee of delegates, but there was a secret committee of five persons, who transacted what was not to be entrusted to the whole of the corresponding Society; that they met at private houses, and that all the correspondence comes to them, and what they think proper is laid before the society. But although this plan of precaution and concealment must have prevented the discovery of a great part of this system, instances have occurred of proceedings at some of the divisions of the Corresponding Society, relative to procuring arms, which your committee have been enabled to ascertain. As early as November 1793, at a meeting of a division of the society, held at a place named to the committee, a violent speech was made by a member of the society, recommending that arms should be procured, and mentioning that they were provided with arms and pikes at Sheffield; and another member said it would be good to provide pikes at sixpence each: afterwards, in the month of February last, at a meeting of one of the divisions of the Corresponding Society named to the committee, and at a place ascertained to them, it was proposed to issue new books, with the names and places of abode of the several members, and that the names of those who lived in the same neighbourhood

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should be placed together, that they might easily be assembled upon any emergency, in case government should attempt to disperse their meetings; and a resolution for this purpose was passed soon after at a subsequent meeting.

At the same meeting a member of another division attended, and stated to the chairman, that he came to make a report from his division.—He stated a rumour that the Habeas Corpus Act would be soon suspended.—This intelligence he was deputed to give, that the society at large might be prepared for the event: upon this a speech was made by a person who was a member of the committee mentioned in the former report, in which he recommended to each member to provide himself with arms and ammunition, in order to defend himself against any persons who might attack him, whether they should be of this country, Prussians, Hessians, or Hanoverians. And in the beginning of April last, at the same division, it appears that a report was made from the general committee, that an answer had been received from the society for Constitutional Information, expressive of their desire to co-operate with them in obtaining their great end; and desiring a deputation might be sent to consult and deliberate with them. In consequence a certain number of the committee were appointed: and on this occasion one of the members recommended to the citizens not to sit tamely silent and inactive, but to rouse themselves, and, not only with words, but arms, assert their rights:—He said, they were on the eve of a general meeting, and they should go with their minds prepared to adopt a system which might be reduced to speedy practice, and rescue their fellow citizens (meaning the Scotch delegates) from their degrading situation. It also appears to your committee, that a plan was in contemplation to subdivide each division into tythings, and to appoint tything men to each, for the purpose "of rendering themselves useful in case of emergency;" which was explained to mean, that in case the society should be interrupted by peace officers, or a press gang, they should resist any such interruption. As another instance of the measures taken to instigate the people to arm, an account was given of a hand bill produced at one of the meetings, which was to the following effect:

"The ins tell us we are in danger of invasion from the French.

"The outs tell us that we are in danger from the Hessians and Hanoverians.

"In either case we should arm ourselves.—Get arms, and learn how to use them."

Several copies of this hand bill were proved to have been publicly produced at a meeting of one of the divisions, by a person who said he had printed them for the purpose of distributing as many as possible.

In the progress of the inquiry, information was received from a witness, whose accuracy has since been confirmed in a variety of striking instances, that a person named in the information, an active promoter of these measures, and a delegate of one of the divisions, had shown the witness a pike in his possession, of which a minute description was given. The witness stated this person to have given an account of the use to which these pikes might be applied; that it was supposed no regiment of horse could stand against them; that such pikes were manufacturing at Sheffield; and that he had received from the secretary of the Corresponding Society the direction of the person from whom he might procure them; that the price was to be one shilling apiece, and if they cost more, the overplus would be paid by a person at Sheffield, who would be indemnified by the society. The witness also stated the same person to have given an account of a meeting intended to be held at a public house (which was named) on a day specified, for the purpose of fixing the number of pikes to be sent for. The person stated to have held this conversation, and another person said to have been present at it (who was also one of the most active members of the London Corresponding Society) were soon after apprehended, and a pike exactly answering to the description given by the witness was found upon each of them. In the subsequent investigation of the business, your committee have received strong confirmation of the principal circumstances of the conversation stated by the witness, respecting the use to which the pikes might be applied, the direction given by the secretary of the Corresponding Society, in order to procure them from Sheffield, the price to be paid for them, and the intended meeting for the purpose of fixing the number to be sent for, and of depositing one shilling apiece for the purchase. One of the persons so apprehended, in explaining the use to be made of the pikes from Sheffield, said, the persuasion was, and he himself believed, the government were conspiring against the people, and therefore should be resisted. Another witness has since stated, that he had understood from one of the persons apprehended, that his pike was to be used (in case the people were to rise) for the particular purpose of keeping off the cavalry.

Your committee, in the course of this examination, observed, that an account was given of some supposed meeting of military divisions, connected with the Corresponding Society, for the purpose of learning their exercise with muskets; and it was stated, that with a view to instructing them, there had been printed and sold a copper-plate engraving of the manual exercise, accompanied with a book of directions on the subject. This engraving was afterwards produced, and it was proved to have been bespoke by one person, and engraved by another, whose names were mentioned, both of whom were members of the London Corresponding

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Society, and one of them a secretary to one of the divisions, and to have been sold by another member of the society to several members at a meeting of one of the divisions. A more particular account was afterwards given of a body formed for the purpose of exercising with fire arms, which had taken the name of the Loyal Lambeth Association, but which had held no communication with government, nor received any authority for that purpose. It appears, that although this armed society bore the name of the Loyal Lambeth Association, none of the members belonging to it were of the parish of Lambeth, excepting the original proposer of the association, who was a member of the London Corresponding Society. The admission of persons who were afterwards members of the association was objected to at first, because they did not belong to the London Corresponding Society; but on promise that they would become members of the London Corresponding Society, they were admitted into this armed association. A gun engraver, who is also a member of the London Corresponding Society, and who furnished this association with muskets, was first introduced to the person who set on foot the association, by the secretary of the Corresponding Society. This association was regularly trained and exercised in the use of fire arms twice a week. It has been given in evidence, that this association removed from the house of a tradesman in the Borough, where they used to exercise, because they made so much noise with the arms that the workmen must know what they were about, the tradesman having different workmen, who might not be all of the same principle. Upon this suggestion, a committee was appointed to choose proper places for exercise, where the association might not be liable to be interrupted by the officers of police; and two places named to your committee, were appointed accordingly, to which the association adjourned in two separate divisions. At one of these places they exercised in a room on the second floor, and with the window curtains drawn, and on some occasions, at another place, by candle light, from eight to ten o'clock at night, with the shutters barred up. At the place where the Lambeth Association met, there was a printed ticket of admission with the following inscription engraved on it, "Liberty to those who dare defend it." The object of all the persons who attended the association (as was collected from their conversation) was universal suffrage and annual election. If they could not obtain a reform in parliament in any other way, they meant to have recourse to arms. The committee have traced eighteen stand of arms actually purchased by this association. This number, purchased by persons apparently in very indigent circumstances, is a sufficient proof of their earnestness in the design in which they had engaged. But it further appears, that the same person who supplied this number had engaged to furnish arms, as the numbers who desired to have them increased; and that sixty muskets had been mentioned as likely to be wanted for this association.—It also appears to your committee, that other institutions of the same nature existed, and that subscriptions had been opened for the purpose of providing muskets. In addition to the means already enumerated for gradually providing pikes and muskets, it has appeared in evidence, that one of the schemes in agitation was, to seize the arms in the shops of the gunsmiths in London, and to distribute the arms so seized, among the members of the London Corresponding Society.

These proceedings in London, sufficiently important in themselves, become still more deserving of serious consideration, when combined with measures of a similar description taken at Sheffield, and in several parts of Scotland, and which not only coincide in point of time, but bear the strongest marks of deliberate concert and connexion with the attempts in London, to which your committee have already directed the attention of the House. Your Committee have already inserted in this report a letter from a person at Sheffield, found in the possession of the secretary of the London Corresponding Society, and inclosing a direction to another person at Sheffield, who was to forward to the maker of the pikes all such orders as he might receive from London for that purpose.

It has appeared, from the concurrent testimony of several persons examined before the privy council, that this direction was actually given by the secretary of the Corresponding Society to one of its members; that many persons were desirous of procuring pikes; and that subscriptions had been already entered into, with the view of procuring them from Sheffield. One of the other persons apprehended at Sheffield, who had been secretary to the Constitutional Society there, and upon whom a pike was found, acknowledged that he had seen the letter to the secretary of the Corresponding Society in London, containing the inclosure for Norwich; and that the writer told him, he had inclosed the letter for Norwich in the other for fear of suspicion: the same person also said, he could not doubt, in the least, that the pikes were to be furnished to London, according to the contents of the letter which had been explained to him at Sheffield. It appears, that some time in March last, a person calling himself Yorke, a member of the Constitutional Society at London, and who was chosen by them as one of their delegates to the convention at Edinburgh, recommended it to the people of Sheffield to take arms, representing it as a matter of right, founded on the Bill of Rights, and observing that the opposite party was arming, and therefore that the other party should be armed also; that Yorke used these recommendations both in private and public; told them in conversation, just after the meeting

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at Sheffield, where he had been chairman, that pikes were used in France; and recommended to the people to get arms, according to an advertisement published at Sheffield, saying that it was legal and constitutional: and that they ought to get pikes as in France. This measure of arming was approved of by the greater part of the society at Sheffield, which appears, from information before your committee, to be very numerous, and to have been subdivided into 45 or 50 small bodies, or different clubs. In consequence of these recommendations, pikes were made at Sheffield under Yorke's orders, and the form and size were regulated by his particular direction.—Your committee think it of importance to call the attention of the House to this circumstance, as they shall have occasion to advert more particularly, in a subsequent part of this report, to the principles and views publicly avowed by Yorke, at a meeting held at Sheffield on the 7th of April last. Four persons are stated to have been employed in the manufacture of these pikes, and one of these persons to have worked at them for some weeks past; and it appears that several have been already made and sold to different persons at Sheffield, at the price of 20*d.* a-piece: the pike taken upon one of the persons apprehended at Sheffield, answers precisely to the description given in the letter before inserted. In addition to this account of the measures taken for providing pikes, it must be observed that the three persons apprehended at Sheffield concur in declaring that they had seen there a pattern of an instrument which has, on different occasions, been used in military operations for impeding the approach of cavalry, and which was stated by the witnesses to be intended to be laid in the road at night for that purpose—one of them said that he had no doubt that this instrument was formed with the same intention as the pikes, to defend the meeting at Sheffield against the military. It was also stated, that about the time when these arms were prepared, they had resolved at Sheffield (as will appear more particularly in the sequel of the report) that no further petition should be made to parliament on the subject of reform, although they intended to go on in their demands; and one of the persons examined said, if any meetings were to be held at Sheffield for the purpose of obtaining universal suffrage, and any attempt made to disturb such meeting, he thought the people would be justified in resistance.

While your committee were employed in investigating the origin and progress of the plan for arming the people in London and at Sheffield, they received intelligence of the existence of similar designs in Scotland, which appear to have been in a much greater degree of forwardness, and to have been conducted with such secrecy that they might have produced the most serious consequences, if accident had not led to a timely discovery of their nature and extent before they had been carried into execution. This intelligence was communicated to your committee in several letters from Mr. Secretary Dundas, which contain so full a narrative of the circumstances leading to the discovery of this design, of the scope and nature of the design itself, of the principles with which it was connected, and of the means by which it was to have been accomplished, that your committee have thought they could not lay this important matter before the House in a more satisfactory manner than by inserting the letters at large in this place—it is however to be observed, that besides what relates immediately to this particular head, these letters contain matters applying to other important branches of the subject of this report; and to which it will be necessary hereafter to refer; and that many of the important circumstances detailed in Mr. Dundas's letters have been also communicated to your committee through other channels.

"*Whitehall 19th May* 1794.

"Sir;—I have received, this morning, from the sheriff depute of the county of Edinburgh, authentic information of an accidental discovery made on the 15th and 16th ult. the general report of which I feel it proper to state to you, as it seems materially connected with the inquiry in which the secret committee of the House of Commons is now engaged.

"The creditors of a bankrupt having received information that part of his goods had been embezzled, and were secreted in the house of an individual, the usual warrant was issued, authorizing a search to be made in the suspected place; and in carrying it into execution, on the afternoon of the 15th, the officers discovered in a private place, where they appeared to have been concealed, twelve pike or spear heads. The proprietor of the house, who happened to be from home at the time, was soon thereafter taken into custody, and on being carried before the proper magistrate for examination, refused to give any account of these weapons, to whom they belonged, or for what purposes they were intended. On a more narrow search, there was likewise discovered, in a private and concealed part of the house, two other pike or spear heads, similar to the others, two battle axes, and a shaft or pole, with a screw on the end, fitted for receiving either the spear head or battle axe.

"Immediate inquiry being made after the persons with whom this individual had lately been seen in company, and two blacksmiths being mentioned among them, their houses and shops were immediately searched; one of the two was also taken into custody; the other escaped and absconded.—In the shop of the first of these men were found four pike or spear heads, finished, fitted with screws and sockets, and ready to be fixed on shafts; eight battle axes, also fitted and finished; and twenty blades more not quite finished but nearly so.

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"In the shop and dwelling house of the other, who had absconded, no such weapons were found; but the apprentices, on being examined before a magistrate, acknowledged that the pike or spear heads first discovered had been privately manufactured in their master's shop during the course of this fortnight past, and carried privately to his house as soon as completed.

"The battle axes and blades appear also to have been manufactured within this fortnight past; and were intended, as the maker of them said, for the purpose of arming the people, should an invasion take place. But it appears, that to his apprentices, whom he had employed in assisting him to make them, he pretended they were meant for a gate, an account obviously false, as he could not point out any gate for which these weapons were intended, nor name any person who had ordered him to frame a gate of so particular a construction.

"These circumstances have induced the magistrates to commit all the persons concerned for examination; and the result of the inquiries which are at present carrying forward, I expect will be regularly communicated to me.—It is proper also to inform you that all the persons chiefly concerned appear to have been members of the British Convention which met at Edinburgh last winter; and since the dispersion of it have continued the most active and leading persons in the societies whose delegates composed the principal part of that meeting, who appear at present taking measures for calling another convention of the same nature, which they expected is to take place soon in England; and some of whom have acknowledged that the propriety of the individuals composing these societies arming themselves with spears and pikes has, within these few weeks past, been the subject of conversation amongst them, and steps taken for carrying that purpose into execution with caution and secrecy.

"The silence of one of the persons, the inconsistent and contradictory account of the other, and the flight of the third, throw a very strong suspicion on the purposes and intentions of the parties concerned in this transaction. The sheriff is, in the course of his duty, proceeding to investigate the matter more accurately: but I consider it necessary and proper to communicate through you to the committee information so intimately connected with the object of its inquiries, however imperfect that information still is, but which I have no doubt will soon be completed.

"I am, sir; &c HENRY DUNDAS."

"Right Honble. Mr. Pitt."

"*Whitehall 23d May* 1794.

"Sir;—I have received, this morning, farther accounts from the sheriff depute of Edinburgh, of the transactions stated in my last letter: and the result of the enquiries since made by that magistrate, and which are still going forward, appear to me of such a nature as to deserve the particular attention of the secret committee.

"One of the individuals mentioned in my former letter has since made a disclosure, and a person since taken into custody, and who appears to have been privy to the whole transaction, has confessed, that these weapons were the first of a very large number and quantity, actually ordered to be made, and intended to be privately dispersed among the members of the various societies throughout Scotland, styling themselves Friends of the People, and who appear to be at present employed in taking measures for calling together another British Convention of delegates to be held in England. An order has been given from one town alone in Scotland, for a large quantity of weapons of the nature described; no less a number than 4,000 has been mentioned, and more are intended to be distributed in Edinburgh. Emissaries appear also to have been dispatched, within this fortnight or three weeks past, to the manufacturing towns in the west of Scotland, for the purpose of sounding the inclinations of such of the inhabitants there who are known to be members of these societies; and there is reason to believe, from information received from various different quarters, that these persons have by no means been unsuccessful.

"Paisley is in particular alluded to as being in a state of great readiness; and there has been positive information received through other channels, that within these three weeks persons of that description have assembled themselves to a very considerable number in the night time, for the purpose of practising the use of arms. The particulars of this information, and the extent to which these meetings have proceeded, are at present matter of inquiry with the proper magistrates of the place; but the result has not yet been received.

"The formation of this plan is now traced home to certain persons, some of whom are in custody, who appear to be entrusted by these societies in Scotland with the most unlimited powers in directing their future proceedings—carrying on their correspondence—and who act as a committee of secrecy, consisting of a certain number of persons, the principal and most active members of the British Convention. The choosing of delegates to the expected convention in England, the place of whose meeting is not yet divulged, and the raising of contributions among the various societies throughout Scotland for defraying the charges of such delegates, appear to be the material part of their present employment, and in which it would seem they have made some progress. And it is the same committee who have, for these some weeks past, been consulting and taking measures for arming themselves and the members of the various clubs with pikes and battle axes, and who have employed the persons above

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mentioned in manufacturing them. The scheme appears to have been first proposed and agreed upon about a month ago; to have been since carried on with the utmost secrecy and caution; and the weapons, so far as has yet been discovered, manufactured by such persons, in such small quantities, in such circumstances, and under such pretences, as not to render the progress of the work probably liable to suspicion or detection; and it was brought to light by the very accidental and singular incident which I mentioned in my former letter.

"I have the satisfaction of observing, that the magistrates and officers of the law in Scotland have been, and still continue, active in the searches and inquiries making at the different suspected places within their respective jurisdictions.—In Perth and Dundee nothing has been discovered which can lead me to believe that measures have been taken in either of these places for making arms, the manufacture of which seems to have been confined to Edinburgh, and intended to have been gradually dispersed from thence to such places as required them.—No such weapons have been discovered at Paisley, or in its neighbourhood; though the intention of arming, and holding regular nightly meetings, are perfectly ascertained.

"Information has also been communicated, of the authenticity of which there is no room to doubt, that a conspiracy has been formed, as soon as a proper number of these weapons were distributed among the Friends of the People in Edinburgh, to seize in the night the persons of the principal magistrates, and officers of the law; the banks, the public offices, guards, and prison; and after inticing the soldiery from the Castle, by kindling a fire in the middle of the city, to intercept them on their return, by means of different armed parties to be properly stationed for that purpose.

"It appears likewise, from indisputable facts, that the most secret and artful means have been and are still using with the fencible regiments in Scotland to excite them to disobedience and mutiny.—The printed paper which I herewith transmit [Appendix A, No. 1] has been industriously circulated for that purpose.—I have the honour to be Sir, &c.

"HENRY DUNDAS."

"Right Honble. Mr. Pitt."

"*Whitehall, 24th May* 1794.

"Sir;—I have received no farther accounts of the result of the inquiries going on in Edinburgh; but I am sorry to state that I have received information from the sheriff of the county of Renfrew, confirmed by letters received from other respectable persons in Paisley, that the magistrates of that place having, in the course of their enquiries, committed on the afternoon of the 19th a man to custody for further examination, a considerable number of persons (several hundreds) assembled in the evening, and after choosing a president, whom they addressed by the title of citizen president, voted a number of resolutions to the following purpose:—That a national convention should be immediately called, to which they would send delegates—That they should not petition parliament, as it was to themselves alone, and to such convention, they could look for redress. They then proceeded to consider the conduct of the sheriff and magistrates in committing their brother citizen, as he was termed; and, after much discussion as to the propriety of immediately releasing him by force, the majority seemed inclined to take mild measures first, and to send a deputation to ask his release. But the magistrates having received information of what was intended, and dismissed the man from custody, the mob dispersed with three cheers, having been previously instructed by their president to abstain from further tumult, and to observe a peaceable and orderly conduct.

"The authority of the civil magistrate is in the mean time entirely superseded, and until a proper force is sent to protect them in the future execution of their duty, which has been anxiously required by the sheriff and magistrates, they dare not proceed in the common course of legal and judicial inquiry against any of the persons who are suspected of being concerned in these violent and tumultuary proceedings. But it cannot escape the observation of the committee, how accurately this intelligence corresponds with and confirms the information yesterday communicated, as to the state of the minds of these people in that neighbourhood; the alarm which their leaders feel as to the result of the legal inquiries at present depending; and the regular systematic connexion between them and the leaders at Edinburgh, as discovered from the yet unfinished and hasty examinations taken in that city. I have the honour to be, sir, &c. HENRY DUNDAS.

"Right Honble. Mr. Pitt."

"*Whitehall, 27th May*, 1794.

"Sir; I have, this morning, received farther information from Scotland, which appears to me proper to be communicated to the committee.

"The persons in whose custody the weapons, formerly described, were found, appear to have acted for some time past under the name of a Committee of Ways and Means appointed by the British Convention, and to have been empowered by the various societies throughout Scotland to direct all their future proceedings.—By means of emissaries privately dispatched to different parts of the country, this committee has signified to, and prepared a number of the societies for the approaching convention in England, many of whom have chosen, and all, as far as is yet known, agreed to choose delegates to attend it, and subscribe for their expenses.—The

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time and place of meeting was not divulged, and were to be communicated from Edinburgh in proper time, by individuals to be sent from thence for that purpose, whose arrival was daily looked for by several of the different societies.—One of the members of the late convention at Edinburgh appears within this fortnight past to have been dispatched, and to have actually performed an extensive tour through the west part of Scotland, to have visited in his progress the towns of Queensferry, Falkirk, Stirling, St. Ninians, Kelsyth, Kirkintulloch, Campsie, Glasgow, and Paisley; in all of which places he appears to have met with the principal persons concerned in these societies; to have left with them, and the members of the societies, copies of a circular letter from the committee of Edinburgh, and instructed them in what manner they were in future to carry on their correspondence; and to have suggested to them the propriety of furnishing themselves with arms, for the purposes of defence, under the pretence of defending themselves against foreign troops. —An attempt has been made to distribute some of the weapons lately discovered at Edinburgh, by means of persons privately dispatched to the country for that purpose; and which seems only to have failed in its execution from the timidity of the person solicited to do so.

"An individual of the same description has been taken into custody in the country, who appears to have commissioned, and actually received from England, some muskets and bayonets. On being questioned by the proper magistrate, he has refused giving any explanation, farther than that he commissioned them in the way of his business—but it does not appear that he ever dealt in such articles before; no person appears to have commissioned him to procure any such; and there seems to be full evidence of his having solicited others to purchase what they of themselves were not thinking of, or wishing to provide.

"He admits having corresponded with the London Corresponding Society on the subject of a convention, and that the society of which he is a leader had agreed to send delegates to it, as soon as the time and place of meeting should be divulged.

"A requisition has been made by the magistrates and principal inhabitants of Paisley, for a military force to protect them in the execution of their duty, and in their persons and properties; which has been duly attended to.—It is with much satisfaction I inform you, that the gentlemen of estate and character, in the county of Renfrew, have voluntarily stepped forward, and determined to support the authority of the civil magistrate. I have the honour to be, sir, &c.

"Henry Dundas.

"Right Honble. Mr. Pitt."

"*Whitehall, 2d June,* 1794.

"Sir;—The information I have received, this morning, from Edinburgh, enables me to state to the committee, that the transactions communicated in my former letters are farther cleared up by the inquiries which have since taken place in that city.

"Some of the persons who absconded on the first discovery of the arms concealed in certain houses have been discovered and apprehended; and the result of these farther inquiries confirms, in almost every particular, the account received from other quarters, and the import of which I have already laid before the committee.—The establishment of a Secret Committee at Edinburgh, invested with full powers to direct the future operations of the societies throughout Scotland; the regular correspondence privately carried on by means of emissaries dispatched to the different towns; the ascertaining the exact number of persons in these societies, who were directed to provide themselves with arms, and to hold themselves in readiness for any measure which the Secret Committee might in due time communicate; are confirmed by every account and information which the magistrates have received. And an individual who has been lately taken into custody has confirmed the account received from a different quarter, of the dangerous design planned by the Edinburgh Committee, of effecting a general insurrection as soon as they were ready and prepared for carrying it into execution, by the seizure of the principal magistrates and officers of the law at midnight, and possessing themselves of the prisons and public offices, as stated to you in my letter of the 23rd May, and then communicated through a different channel from that through which the present confirmation of these circumstances has been received. The plan seems not only to have been discussed and deliberated on by the ringleaders at Edinburgh, but to have proceeded a certain degree in its steps towards actual execution, which appear to have been conducted with the utmost caution; and there is reason to believe, that the execution of the plan was not to be confined to Edinburgh, but was meant to take place in some of the most considerable towns in Scotland on a certain day, and at one and the same time. The proper and usual steps have been taken for bringing the offenders to trial; and those against whom the information chiefly points are detained in custody. I have the honour to be, sir, &c. Henry Dundas."

"Right Honble. Mr. Pitt."

From what has been stated it appears, that the design of arming, as far as it has yet proceeded, has been conducted with great secrecy and caution, and at the same time with a remarkable degree of uniformity and concert in parts of the kingdom remote from each other. The weapons principally provided

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seem to have been peculiarly calculated for the purposes of sudden violence, and to have been chosen in conformity to the example of what has recently passed in France. The actual progress made in the execution of the design, during the short period of a few weeks, sufficiently shows what might have been expected, if the societies had proceeded, without interruption, in increasing the number of their members, and the fund for providing arms.

Your committee will next proceed to lay before the House, an account of various remarkable circumstances, which have appeared in the course of this investigation, and which furnish striking instances, either of the general principles on which the chief promoters of this plan have acted, or of specific measures which they had in contemplation, and which, from their nature and importance, deserve to be particularly noticed.

The general disposition of the persons engaged in these measures, to applaud and promote the new political principles adopted in France, has been stated in the former report, and will be more detailed in the sequel; but it seems proper to your committee here to mention some of the letters of two of the most active members of the Corresponding Society, which show their adherence to the cause of France in the present war; their conviction of the connexion between that cause and their own objects; and their views even of availing themselves, if possible, of the assistance of the French arms in carrying their designs into execution.

In a letter from Hardy to the United Societies at Norwich, dated the 17th October 1793 [Appendix B, No, 1]. there is this remarkable passage—"The rejoicings for the capture of Valenciennes were not confined to Norwich alone. The ignorant every where else throughout the nation betrayed their imbecility on the occasion; but the taking of a town, the slaughtering of thousands of human beings; the laying waste whole provinces, or the enslaving a nation (however great evils they may be) can only, for a small space of time, retard the progress of truth and reason: be not disheartened therefore, pursue your plan, instruct mankind, and constitutionally set your faces against existing abuses: be assured that many are our friends, who only wait a favourable opportunity openly to join us, while our enemies have much enfeebled themselves and their cause by arbitrary exertions: despotism is at its last gasp; one or two campaigns more will terminate its existence." And in a subsequent letter from Margarot to the United Societies at Norwich, dated in March last [Appendix B, No. 3]. the sentiments expressed are still more striking: —"This morning ten ships of war have left Spithead for the Channel, and it is reported that the Brest fleet is out. Rumour, always magnifying things, says, there are seventy sail of the French at sea, if so, there must be a number of transports among them, and a descent may probably be the consequence. For God's sake, my worthy friends, do not relax in the cause of freedom—continue as you have begun;—consolidate your own societies;—unite with others;—persevere, and make no doubt but sooner or later your endeavours will be crowned with success." At the time of writing this last letter, Margarot was no longer in a situation to take a part in the proceedings of the society, being then on board the vessel in which he was to be transported. But it appears to your committee, that these expressions from him are of no small importance, considering the share which he appears, by much concurrent evidence, to have had, previous to his conviction, in directing the measures which were adopted; the uniform approbation and attachment which those societies have shown him since that date; and above all, that these very sentiments are addressed to the United Societies at Norwich, and that the mention of an expected descent from France is immediately followed by an exhortation to them to proceed, with fresh vigour, in the pursuit of their designs in this country.

The same spirit appears in a letter from the secretary of the Corresponding Society, in the month of January 1794: "now is the time for us to do something worthy of men; the brave defenders of liberty south of the English Channel are performing wonders, driving their enemies before them like chaff before the whirlwind."

Your committee place less reliance on accounts of words used in conversation than on evidence resulting from written documents; but they nevertheless think it proper to mention, that it has been distinctly stated in evidence, that, in the presence of two or three principal members of the Corresponding Society, a person (whose name was mentioned) used the expression, speaking of the French, that a victory of theirs in Flanders was as useful to the cause as a victory in St. George's Fields; and the same person appears to have held a conversation with these members of the society, relative to the advantage which would be derived if the French could land 5,000 men in this country, to join those who should rise here.

Another leading circumstance has appeared to your committee, which, however ineffectual it has naturally proved, furnishes a strong collateral proof of the extent of the views entertained, and that no means, however criminal, were neglected for promoting them. The circumstance referred to, is a design, which has been the frequent subject of conversation among some members of the Corresponding Society, of endeavouring to seduce the army from their duty, and the actual employment of emissaries to tamper with the soldiers. In conformity with these views, it also has appeared, that it was intended to prepare an address to the army; and a paper

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has been discovered in Scotland, which has been already referred to, the object of which was to endeavour to excite disaffection in the fencible regiments in that part of the kingdom, and which has actually been circulated with much industry among the soldiers of that description.

Various other schemes of the most daring and criminal nature are also stated on the evidence of persons who were present, to have been at different times the subject of conversation among persons, the greatest part of whom were members of this society. It even appears, that a project has been particularly and repeatedly agitated among them, of striking a sudden blow, and beginning by securing the royal family, and the members of both Houses of Parliament, with the hope (as it was expressed) "that the army, being without leaders, would no longer oppose their attempts." Particular individuals have been pointed out in these conversations, as objects of personal vengeance for their public conduct. Evidence has been given of discourses held concerning the rescue of the delegates of the Scotch convention, while on board the transport in the river. An attack on Newgate was meditated, according to a particular plan referred to in the conversation with the view of releasing the prisoners. A similar conversation was held with respect to an attack on the Tower; and in the letter from the secretary of state, which has been inserted in a former part of the report, it appears that there is direct evidence of a plan regularly concerted at Edinburgh, for seizing at an appointed time, all the public offices in that city, the banks, and the principal members of the courts of justice; and for making a similar attempt (in consequence of a secret concert among the members of the societies in different places) at one and the same time, in some of the most considerable towns in Scotland.

Your Committee do not state the various circumstances which have been enumerated in this part of the report, as showing that these extensive projects, as far as relates to England, were as yet regularly digested, or in sufficient forwardness for actual execution; but the evidence before them gives them every reason to believe that these views have been deliberately entertained, and made the repeated subject of conversation; and they cannot but consider them as strong indications of the principles and intentions of the parties concerned, and of the nature of the measures which might have been expected if they had proceeded, without interruption, in increasing their numbers, and in providing arms in the different modes already stated.

There remains another circumstance which however, as as far as it has yet been investigated, is traced distinctly only to two individuals, both of whom were members of the Corresponding Society, and principally concerned in some of their most remarkable transactions: whether any other members of the society were or were not acquainted with it, has not appeared to your committee. Three copies have been produced to your committee (in all material parts conformable to each other) of a paper which purports to be a draft of resolutions intended to be proposed at the meeting which took place at Chalk Farm on the 14th of April 1794. From the blank left for the place of meeting, it seems probable that it was prepared before that place was fixed upon: the resolutions are different from those which passed at the meeting, and there is no reason to believe that they were in fact proposed there; but distinct evidence has been given of the hand writing being that of the person in whose possession one of the copies was found, who is also proved to have shown them as the resolutions which he intended should be proposed at the meeting: and the two other copies were found among the papers of one of the most active members of the society, who appears, previous to the meeting at Chalk Farm, to have been appointed, in conjunction with some others, to arrange the measures to be adopted, and at whose suggestion (subsequent to that appointment) the meeting is stated to have been postponed beyond the time originally proposed, because (as he is said to have represented) more time was necessary to make known the sentiments of the society in bold and nervous resolutions. Your committee think it right here to insert the paper itself, on which they will forbear to make any comment.

"At a General Meeting of the London Corresponding Society, held at on Monday, the 14th Day of April, 1794.

"Citizen ——— in the Chair.

"Resolved, that all sovereign, legislative, and judicial powers are the rights of the people; and though the people have delegated those their original powers to others, in Trust, for the benefit of the community, yet the rights themselves are reserved by the people, and cannot be absolutely parted with by the people to those persons who are employed to conduct the business of the state.

"Resolved, That the constitution of England is held by the King, Lords, and Commons, and other officers appointed by the people, in trust, for the benefit of the people; and though these trustees may regulate and improve the constitution, yet they cannot alter or subvert it without committing treason against the nation.

"Resolved, That Magna Charta, or the great charter of the liberties of England, made in the reign of king John; the Petition of Rights, assented to by parliament in the reign of king Charles the 1st; and the several laws made at and in consequence of the Glorious Revolution in the year 1688, are declaratory of those parts of the constitution of

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England, which are in and by them respectively declared.

"Resolved, That the office of king of England was not instituted by the people merely as an office of profit and honour to the king, but he was so appointed as chief trustee and guardian of the constitution and rights of the people; and that important and laborious personal duties are annexed to the regal office, the objects of which are, to promote the good of the people, and preserve their rights in full vigour from innovation and corruption.

"Resolved, That it is the duty of the king to preserve the constitution of England and the rights of the people against every encroachment; and, in order to enforce that duty, the following oath is required to be taken by every king on his accession to the throne of Great Britain; to wit, The archbishop or bishop shall say—'Will you solemnly 'promise and swear to govern the people of 'this kingdom of England, and the dominions 'thereto belonging, according to the statutes 'in parliament agreed on, and the laws and 'customs of the same.'

"The king or queen shall say, 'I solemnly 'promise so to do." Archbishop or bishop—'Will you to your power cause law and 'justice in mercy to be executed in all your 'judgments?' Ans. 'I will.'

"After this the king or queen, laying his or her hand on the Holy Gospels, shall say—'The things which I have before promised 'I will perform and keep; So help me God.'—and then shall kiss the book.

"Resolved, That his present majesty king George the third, on his accession to the throne of these realms, did solemnly take the said oath.

"Resolved, That the constitutional rights of the people have been violated, and that it is the duty of the people, in the present alarming crisis to assemble and inquire into the innovations or infringements which have been made upon the rights of the people, and how far the declarations of the constitution as they were settled at the aforesaid revolution remain in force, and which of them have been violated, and by whom, and also whether such innovations, infringements, and violations, have been committed from the negligence or corruption of those who have been intrusted with the government of the state.

"Resolved, That this society do invite the people to meet in their respective neighbourhoods, to elect one or more person or persons as delegates to meet in a Convention, to be held on the day of next, at such place as shall be appointed by the Secret Committee of this society; and that the delegates so elected do forthwith transmit to the secretary of this society, No. 9, Piccadilly, London, the vouchers of their several elections, in order that the place of meeting may be duly notified to them.

"Resolved, That it is the right and the bounden duty of the people to punish all traitors against the nation, and that the following words are now not a part of the oath of allegiance; to wit, 'I declare that it is not law-'ful, upon any pretence whatever, to take arms 'against the king.' Before the Committee quit this part of the subject, they think it not immaterial to take some notice of the different means used to disseminate such principles as have been stated through the lower orders of society, and to familiarise their minds, by every possible artifice, to such ideas as might prepare them to be the instruments of the most dangerous and desperate designs. Some of these means may at first sight be considered as too trivial to be mentioned on an occasion of this importance; but they appear to your committee in a very different light, when they recollect that an essential part of such a plan as has been in agitation was to seduce and corrupt the thoughtless and uninformed, and to make use of the channels of communication best adapted to this purpose. The appearance of insignificance and levity, which belongs at first sight to this part of the system, is, in truth, only an additional proof of the art and industry with which it has been pursued. The measures employed for this purpose appear to have been deliberately prepared, and every contrivance used to mix them (in the shape most likely to captivate attention) with the ordinary occupations or amusements of those on whom they were intended to operate. Accordingly lectures have been delivered on political subjects, calculated from their very extravagance to catch the attention of the audience, and in the course of them every topic has been employed that could inflame their minds, alienate them from the laws and constitution of their country, and habituate them to principles of sedition and rebellion. The most violent publications to the same effect have been secretly, but generally, circulated in hand bills, both in the metropolis and in the remote parts of the country. Every point that could excite discontent, according to the pursuits, interests, or prejudices of different classes, has been successively dwelt on, and always in such a manner as to connect it with the leading design. The attempt so accomplish this end has appeared in the shape even of play bills and songs; seditious toasts; and a studied selection of the tunes which have been most in use in France since the revolution, have been applied to the same purpose, of endeavouring to render deliberate incitements to every species of treason familiar to the minds of the people.

Having thus stated the points which the Committee have thought it material separately to lay before the House, they will now proceed to those particulars which will give a full and distinct view of the rise, progress, and nature of the general design with which the facts already stated are essentially con-

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nected; for this purpose your committee will state in their report the points which appear most worthy of attention inserting in the appendix a more particular statement of the several proceedings to which they refer. In doing this it will be necessary to advert to transactions, some of which took place at an early period, and have already attracted observation; but which it is nevertheless material to insert in the order in which they took place, because they are highly important in explaining more recent proceedings, and giving a connected view of the whole system.

The period from which it appears to your Committee material to trace in this view the proceedings of the Society for Constitutional Information, is that of the publication of the pamphlet so well known under the title of "Rights of Man, by Thomas Paine."

Your Committee have already referred, in their former report, to the approbation given by the society to this work; and this is one of the points on which they should not think it necessary now to dwell, if they did not feel it essential to the object before stated, of developing the rise and progress of the system which they are tracing, to call the attention of the House to the leading features of a work thus approved and recommended, in order to compare it with subsequent transactions of which it may be considered as the foundation.

In this pamphlet, published in the year 1791, the National Assembly of France was represented as occupied in establishing a constitution founded on the rights of man, and the authority of the people, the only authority on which [it was stated] government had a right to exist in any country; monarchy and hereditary succession were treated as absurdities; the revolution of 1688, and the succession of the House of Hanover, were also made the subject of ridicule; and a distinction was drawn between two modes of government, which were stated to prevail in the world: first, government by election and representation; and, secondly, government by hereditary succession. The former generally known by the name of republic, the latter by that of monarchy and aristocracy. On the 23d March 1791, the society resolved, "That the thanks of the society should be given to Mr. Thomas Paine, in the terms expressed in the copy of their resolution of this day," inserted in the Appendix [C. 23 Mar. 1791.] A continuation of Paine's book, intituled "Rights of Man, Part the Second, combining Principle and Practice," was published early in 1792, in which the principles of the British constitution were again attacked; the principles on which the French constitution, accepted by the king in 1791, had been established, were approved, with an exception of the hereditary succession to the crown: this pamphlet, recommending the overthrow of the British constitution, and the establishment of a democratical senate, as the sole legislative and executive power of the state, was also circulated with great industry: and the Society for Constitutional Information, on the 16th of March 1792, expressed their approbation of the work, in answer to a letter from the Manchester Constitutional Society, containing the thanks of that society to Mr. Paine. On the 23d of March, 1792, the Constitutional Society at Sheffield applied to the London Society, that twelve of their members might be admitted as associated members of the London Society; and there appears in the books of the London Society a printed paper of the Sheffield Society, in which that society declares, that the practice as well as the principle of government was laid down in the works intituled, "Rights of Man, Part the First and Second," in a manner so clear and irresistibly convincing, that the society resolved to give their thanks to Mr. Paine for those publications.

Other entries, expressive of approbation of the same works, and of other seditious publications, frequently appear in the same books during the course of the year 1792.

In Easter term, 1792, an information was filed in the court of King's-bench, by the king's attorney-general, against Thomas Paine for writing and publishing the last pamphlet, on which he was convicted in December 1792. During this prosecution another pamphlet was published, under the title of "An Address to the Addressers on the late Proclamation, by Thomas Paine." This pamphlet, after stating that two revolutions had taken place, those of America and France," added, "both of them have rejected the unnatural compounded system of the English government. America has declared against all hereditary government, and established the representative system of government only; France has entirely rejected the aristocratical part, and is now discovering the absurdity of the monarchical, and is approaching fast to the representative system." The pamphlet then treats monarchy, and every species of hereditary government, as a fraud and imposition; asserts "for a nation to be free it is sufficient that she wills it;" treats the reform of parliament by parliament itself as absurd; denies the power of parliament to reform any part of the constitution; asserts that it is not a subject cognizable before parliament, and that the right and the exercise of that right, appertains to the nation only, and that the proper means is by a National Convention, elected for the purpose, by all the people; that such a body empowered and supported by the nation, would have authority to demand information upon all matters necessary to be inquired into, and the nation would decree its own reforms. The pamphlet then states that the plan and organization of a convention was easy in practice; and proceeds to show the manner in which, supposing the inhabitants of England to be seven millions, a Convention of 1,000 members might be elected in an orderly manner, adding, that "a Convention

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of 1,000 persons, fairly elected would bring every matter to a decided issue." This latter pamphlet was not made the subject of any express resolutions of the society; but during the prosecution of Mr. Paine for the former work, the society for constitutional information entered into a subscription to defray his expenses, and encouraged the like support from other societies, as appears by several entries in the books of the society. [Appendix C.] And this mark of their approbation of his principles having been continued after the publication last-mentioned, seems to afford a full proof that this circumstance had made no change in the sentiments of the society towards him.

The principles laid down in these publications appearing thus to be approved and sanctioned by the society, will be found to be gradually and successively adopted and acted upon in their proceedings. On the 30th of March 1792, the London Corresponding Society sent to the society for Constitutional Information several resolutions, among which were the following:

"That every individual has a right to share in the government of that society of which he is a member, unless, incapacitated.

"That nothing but non-age, a privation of reason, or an offence against the general rules of society, can incapacitate him."

These resolutions, containing the principle of universal suffrage, were adopted without reserve, and with strong expressions of approbation, by the Constitutional society.

On the 20th of April following, a declaration from a society in Southwark appears entered in the books of the Constitutional Society, with their thanks for the communication. This declaration expresses more fully the grounds on which the societies intended to proceed, adopting many important principles which had been made the foundation of the French Revolution, in the following terms:

"That all civil and political authority is derived from the people.

"That equal active citizenship is the unalienable right of all men, minors, criminals, and insane persons excepted.

"That the exercise of that right, in appointing an adequate representative government, is the wisest device of human policy, and the only security of national freedom."

The resolutions of the Sheffield Society having suggested universal suffrage, and the Southwark Society having added the general idea of a representative government, a society called the Norwich Revolution Society, on the 26th of April 1792, sent a letter to the Constitutional Society, entered in the minutes of their proceedings on the 4th of May 1792, in which there is this passage: "This society is willing to hope the redress of every existing grievance at the hands of a government resulting from an extraordinary convocation, in 1688, of all who had at any preceding time been elected representatives of the people, assisted by the hereditary counsellors of the nation, and a peculiar deputation from the metropolis, which National Constituting Assembly cashiered for misconduct a king of the House of Stuart."

It seems evidently to be the intention of this passage to represent the Revolution of 1688 as a precedent for a National Constituting Assembly, and to shelter under that authority the indirect recommendation of the proceedings and terms which have recently been adopted in France. This communication, with others from different societies at Norwich, were followed by a resolution, expressing that the society for Constitutional Information received them with heart-felt satisfaction, and desired earnestly to concur and co-operate with those societies in their laudable objects. They also elected twelve members of the Norwich Society associated members of their own society. And they added a resolution, that a committee should be appointed to consider whether any and what communication should be made, and by what means, by the society, with the society of Friends of the Constitution at Paris.

It appears by entries of the 11th of May 1792 [Appendix C.] that "The society of Friends of the Constitution at Paris," mentioned in the former resolution, were the Jacobin Club there; and, on the same day, it was resolved that there should be a communication with that club; and an address was read and agreed to, and ordered to be signed by the chairman, and transmitted to Paris.

Towards the close of the same year, and some time subsequent to the revolution of the 10th of August, which finally destroyed all traces of monarchy in France, the society resolved to address the National Convention, which was then invested with the whole legislative and executive government, and was assembled for the purpose of framing a new constitution, and proceeding to the trial of the king. This paper [Appendix C. 9 Nov. 1792] is conceived in terms which leave no room to doubt of the views of those who framed it. The address styles the convention "Servants of a sovereign people, and benefactors of mankind." It rejoices that the revolution in France had arrived at that point of perfection which enabled the society to address the convention by that title; and it declares that that is the only title that can accord with the character of true legislators: it speaks of the proceedings of the 10th of August as a glorious victory, which had finally prepared the way for a constitution, which the society trusted the convention would establish on the basis of reason and nature. It represents the proceedings of the convention as labours in the work of human happiness, and adds, "The benefits will in part be ours, but the glory will be all your own; and it is the reward of your perseverance; it is the prize of virtue," Then drawing a comparison between the state of

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liberty in England, America, and France, it not only gives a decided preference to the American republic over the British monarchy, but treats the splendor of the French revolution as the object of the highest admiration.

This address was ordered to be presented by two of the members of the society at the bar of the National Convention; and it was presented accordingly.

But the terms of this address are not the only evidence on this head. An Address [Appendix C. 12 October 1792] framed a short time before by the London Corresponding Society, which had been communicated to the Constitutional Society, and had received their express approbation, and which was presented likewise to the French Convention contained passages clearly expressing the same intent, and suggesting the idea of a triple alliance (not of crowns) but of the people of America, France, and Britain, to give freedom to Europe, and peace to the whole world.

These transactions are rendered still more remarkable by the verbal address of the deputies at the time of presenting the address of the society, and by the answer of the president, which they transmitted. The letters of the deputies to the society have been found among the papers of that society, together with a copy of the address of the deputies, and the answer of the president. In the first, after pointing out their wishes to effect in their own country a revolution similar to that made in France, the deputies consider the example of France, as having made revolutions easy; and add, that it would not be extraordinary if, in a short space of time, the French should send addresses of congratulation to a National Convention of England; and the president in his answer says, "The moment, without doubt, approaches when the French will bring congratulations to the National Convention of Great Britain." On the 7th of December 1792 the letter of the deputies was read in the society, as appears by an entry in their books. In January 1793 [Appendix C. 18 and 25 January, and 1 February 1793,] Barrere, Roland, and St. André were elected (as has been mentioned in the former report) honorary members of the society; and on the 1st of February, the speeches of Barrere and St André were ordered to be entered on the books of the society, and this resolution ordered to be printed in the news-papers, which it actually was on the 5th of February 1793. The circumstance of the time at which this marked approbation was publicly given to leading members of the National Convention of France, would render this measure of itself a strong indication of the views of the society, and as such it was referred to by the committee in their former report.

But on more particular reference to the speeches themselves, which were thus recommended to public notice, this transaction will be found to be of much more importance; it is not barely an approbation of leading persons professing principles, and pursuing measures hostile to the general interests of the country: the speeches were delivered for the express purpose of accelerating the condemnation and execution of the French king. The doctrines contained in them directly relate to the precise object of a National Convention, and to the question of the personal responsibility of sovereigns: they contain a statement of the rights, duties and functions of such an assembly; which cannot be supposed to have been recommended to the public attention for any other possible purpose than that of laying the foundation of a similar proceeding in this country, and that with the direct intention of employing it for the destruction of the sovereign, and the utter subversion of the constitution. This conclusion will be fully justified by an extract from the speeches in question, which are expressed in terms so remarkable, that the committee cannot too strongly recommend them to the attention of the House.

The following passage is extracted from St. Andrè's speech. "Your right to decide the fate of the king, arises from your being a revolutionary assembly created by the nation in a state of insurrection." Barrere's speech is much more full and more systematically reasoned; it is divided into several heads, from which the following extracts are taken

"This proceeding (speaking of the trial of the king) is of the highest importance to public order, absolutely necessary to the existence of liberty, and connected with whatever is held most sacred by the nation. From the calmness and temper which have distinguished the deliberations of the convention on this occasion it may be foreseen that justice and reason will direct its ultimate sentence. History will record the striking contrast between kings, who in the midst of the dissipation of courts sign proscriptions and death warrants for the destruction of thousands of citizens and the representatives of the people, who deliberate with wisdom and caution on the punishment of a single despot.

"It is the destiny of kings to be the occasion of the calamities of the people, whether they remain on their thrones, or whether they are precipitated from them.

"Part 2d.—Whether the Person of the King be inviolable.

"The people of Paris, by making an holy insurrection against the king on the 10th of August, deprived him of his character of inviolability. The people of the other departments applauded this insurrection, and adopted the consequence of it. The people have therefore formally interposed to destroy this royal inviolability. The tacit consent of the people rendered the person of the king inviolable. The act of insurrection was a tacit repeal of that consent, and was founded on the same grounds of law as the consent itself.

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The king's person is inviolable only with relation to the other branches of the legislature, but not with relation to the people."

"Part 3d. Whether an Appeal shall be made to the People?

"The people is the sovereign. A convention differs from an ordinary legislature in this respect.—A legislature is only a species of superintending magistracy, a moderator of the powers of government.—A convention is a perfect representation of the sovereign.—The members of the legislative assembly acted in August upon these principles.—In summoning the convention they declare, that they saw but one measure which could save France; namely, to have recourse to the supreme will of the people, and to invite the people to exercise immediately that unalienable right of sovereignty which the constitution had acknowledged, and which it could not subject to any restriction. The public interest required that the people should manifest their will by the election of a National Convention, formed of representatives invested by the people with unlimited powers.—The people did manifest their will, by the election of that convention.—The convention being assembled is itself that sovereign will which ought to prevail.—It would be contrary to every principle, to suppose that the convention is not alone exclusively the expression of the general will.

"The powers of the convention, must, from the very nature of the assembly, be unlimited with respect to every measure of general safety such as the execution of a tyrant.—It is no longer a convention if it has not a power to judge the king.

"A convention is a constituent body, *i. e.* a body that is to make a constitution for the people.—A legislature makes laws under an established constitution, and in conformity to it. It is despotism when in the ordinary and permanent establishment of a state there is no separation of powers; but it is of the very essence of a constituent body to concenter for the time all authority.—It is the very nature of a National Convention to be the temporary image of the nation, to unite in itself all the powers of the state, to employ them against the enemies of liberty, and to distribute them in a new social compact called a constitution.

"Behold that constituent assembly which laid the first foundations of your liberty! Behold that revolutionary genius! which broke through every impediment, exceeded its delegated authority, created its own powers according to the exigencies of liberty, and to the occasional wants of the people, destroyed all prejudices by the force of that public opinion to which it gave birth, obliterated all privileges, abolished all the parliaments, changed the form and tenure of all property, as well as the measure and sign of all value, and made a perjured king its prisoner! Nothing was wanting to immortalize that assembly, but to have delivered France from the calamity of a kingly government, and to have relieved you from the duty of judging the last of your kings.

"With this example before your eyes, you hesitate even in the first step of your duty.—Am I then no longer in the midst of that National Convention, whose honourable mission it was to destroy kings and royalty?"

Having thus traced the proceedings of the Society for Constitutional Information to the period when the commencement of the war with France necessarily interrupted the developement of their principles and designs by their correspondence with that country, your committee will now lay before the House such particulars as relate to their proceedings at home, in concert with the London Corresponding Society, and with the several societies in different parts of the country, during the same period.

From these it will appear.—That not only the London Corresponding Society, but all the principal societies in the country, have been regulated under the immediate auspices of the Society for Constitutional Information, and have both in their origin and progress, looked up to that society for their guidance and direction in the pursuit of their common object.

That particularly since the institution of the Corresponding Society, which appears from a very early period to have had an intimate connexion with the Society for Constitutional Information, a system of general correspondence has been established, by means of which the principles of that society (such as they have been already stated) have been widely diffused and disseminated through the country.

That throughout the whole of this extensive correspondence, the strongest marks appear of an almost universal agreement and co-operation among the country societies, not only in the general principles to which your committee has already referred, but also in the nature and frame of the societies, in the system of concert and delegation, and in the particular object of forming a National Convention for the purpose of carrying their principles into full effect: and that traces of this design are to be found in a greater or less degree at a very early period of this correspondence.

The London Corresponding Society was instituted in January 1792. A general account of the plan according to which it was formed and distributed into different divisions has already been given in the last report; and a list of the number of divisions, which had been gradually established, has been found among the papers in the possession of the secretary.

In one of the first communications from the London Corresponding Society to the society for Constitutional Information [Appendix D. 14 March 1792] they state that "The delegates of the Corresponding Society think

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it their duty to acquaint to Constitutional Society without delay, of the subscription begun amongst several of their divisions for the defence of the prosecution said to be commenced against that worthy member of the Constitutional Society, Mr. Thomas Paine, in consequence of his valuable publication, intituled, "The Rights of Man;" and that they had no doubt that a numerous body would be found to follow an example, so just in itself, and so essential to the support of that small portion of liberty which the people of England are still supposed to enjoy. That the approbation and encouragement which their feeble endeavours had met with from the Constitutional Society, made them desirous of uniting more strongly and more immediately with that society, and for this purpose they wished that six of their members might be admitted into the Constitutional Society, after the manner of those received from the societies at Sheffield and Norwich."

The London Corresponding Society signify that they are highly favoured by the readiness of the Constitutional Society to admit six of their members, and that their sense of the favour so conferred will be best expressed by their close attendance at the instructive meetings of the Constitutional Society, and by their constant endeavours to forward the so beneficial, and so much wanted reform of parliamentary representation.

The following series of extracts is taken from the correspondence, both of the Society for Constitutional Information and of the London Corresponding Society, with the several societies instituted in the country. [Appendix D.] The first is a letter from Sheffield to the secretary of the Constitutional Society, dated 15th January 1792, stating, that the society established at Sheffield humbly solicits the advice and assistance of the Constitutional Society for the purpose of forming a connexion with all similar societies in England; and adds, that information of the methods, terms, and manner of application for the above purpose, as likewise the admission of one of their members into the Constitutional Society, will be esteemed a particular favour, and gratefully acknowledged. In the postcript to the letter, an account is given of the origin of the Sheffield society: and it is stated, that it at first originated in an assembly of five or six Mechanics, who, from conversation about the enormous high price of provisions, the unbounded authority of the monopolists of all ranks, from the king to the peasant, and the waste of the public property by placemen, pensioners, luxury, and debauchery, together with the mock representation of the people, concluded that nothing but ignorance in the people could suffer the natural rights of every free man to be thus violated. They formed a society, which was gradually increasing, and divided into separate bodies. They re-published Paine's Rights of Man, at the low price of 6*d.* each copy, to which they proposed to annex an abstract of the noted iniquitous corn bill of last year.

The same society at Sheffield, in a letter to the Constitutional Society, mention that their numbers increase, for that most of the towns and villages in the neighbourhood are forming themselves into similar associations, and strictly adhere to the mode of copying the Sheffield Society. They return thanks for the kind communications which they have received from the principal members of the Constitutional Society; and they enclose a parcel for the secretary of the London Corresponding Society, in answer to a letter of his, by which he had informed them, that there were in London a number of mechanics, shopkeepers, &c. forming themselves into a society on the broad basis of the Rights of Man, and desiring to know the manner of conducting this business at Sheffield; in answer to which the Sheffield Society had given them their manner of proceeding, and hoped it might be of some use, as the improvement they were about to adopt was certainly the best for managing large bodies in great and populous towns, viz. dividing them into small bodies or meetings of ten persons each, and these ten persons to appoint a delegate: ten of these delegates to form another meeting; and so on delegating from one to another, till at last they were reduced to a proper number for constituting the committee or grand council.

The society at Sheffield express their determination to obtain a radical reform of the country, as soon as prudence and discretion will permit, and to establish it upon that system which is consistent with the Rights of Man; for these reasons, they request, that certain members of their society may be admitted into the Constitutional Society, in order that the society at Sheffield may be strengthened and enabled to extend useful knowledge from town to village, and from village to town, until the whole nation be sufficiently enlightened and united in the same cause; which they say, cannot fail of being the case, wherever the most excellent works of Mr. Thomas Paine find residence.

The Constitutional Society at Manchester transmit copy of their resolution to the Constitutional Society in London, in which they resolve that their thanks are due to Mr. Thomas Paine, for the publication of the Second part of the Rights of Man, combining principle and practice: they style it a work of the highest importance to every nation under Heaven, but particularly to this, they express their hope, that in consequence of the effect of this work a complete reform in the present inadequate state of the representation of the people will be accomplished; and that the other great plans of public benefit which Mr. Paine has so powerfully recommended will speedily be carried into effect.

The delegates of the United Constitutional Societies at Norwich communicate to the London Society for Constitutional Information, a number of resolutions, in which they express their happiness at the admission of

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the delegation from Sheffield, in order to form a plan of general information; they humbly beg to be admitted to the same favour, and express their wish that all the societies of a similar kind in England were strongly and indissolubly united in one political body: they return their thanks to Mr. Thomas Paine, for his first and second parts of the Rights of Man: they sincerely wish that he may see his labours crowned with success in the general diffusion of liberty and happiness among mankind; they signify that their numbers are increasing; and they earnestly entreat all their brethren to increase their associations in order to form one grand extensive union of all the friends of general liberty.

In a letter to the secretary of the London Corresponding Society the Society at Stockport return thanks to the Corresponding Society for their kindness, which they say will be useful in the formation of the Infant Society at that place; that they stand much in need of their experience in this particular. They state, that they have carefully perused the addresses, of which a parcel has been sent them by the London Corresponding Society, and observe on their contents in general, that the sentiments hardly rise to that heighth which they expected from men sensible of their full claims to absolute and uncontrollable liberty, *i. e.* unaccountable to any power which they have not immediataly constituted and appointed. They further state, that these are their sentiments, whatever be those of the London Corresponding Society, though in the present state of political knowledge it may be prudent not to avow them openly; they desire to be informed of the means of accomplishing their common object; and they conclude with the following words:

"We observe one expression, which says numerous other reforms would undoubtedly take place, &c. &c. But we ask, how is that parliament to be chosen? Can we expect it from the present order of things? Would not the evil be done away at once by the people assembled in convention?—Does it appear probable that the odious laws of which we complain will be abolished by any other way? Can the grievances arising from aristocracy be redressed, while the————retains its present authority in the legislature? Is the universal right of conscience ever to be attained, while the B. maintain their seats on the ————?

"Your thoughts on these important points, we most earnestly desire may be transmitted as soon as possible, not directed as the last as we fear it will excite suspicion.

"(Signed) ————"

A letter from Margarot (the president) to the Friends of Universal Peace and the Rights of Man, at Stockport, says, "With regard to the publications of the London Corresponding Society, they are expressed in as strong terms as prudence will permit, yet plainly enough to convince the public, that while we expect every thing from an honest and annual parliament, nothing short of such a senate chosen by the whole nation, will satisfy us."—The letter proceeds to state an intention of countenancing the struggle of the French nation against despotism and aristocracy, by addressing the French National Convention.

A copy of the address is enclosed, and a concurrence of the Stockport Society is solicited. The letter concludes thus: "If, on the contrary, you disapprove of that mark of zeal towards the only nation that has hitherto undertaken to restore mankind to their just rights, please to communicate to us your objections."

A leter from the editors of the Patriot, to the secretary of the London Corresponding Society, expresses their commendation of the laudable spirit which has induced the London Corresponding Society to address the convention of France; states the encouragement which they had given to the society at Stockport; and exhorts the London Corresponding Society also to give it their sanction, advice, and support; announces that several societies have been formed within the last three weeks at Edinburgh, and that they had received some most spirited communications from thence. The letter concludes: "We clearly foresee that Scotland will soon take the lead of this country, and conceive it will be necessary to take the greatest care that an universal communication should be constantly kept up between the several societies, however distant, and that all should determine to act upon the same principle, as near as may be, in a regular and active Union. It was by this method that France became so thoroughly united, and we ought never to lose sight of it."

A letter from the secretary to the society at Stockport, to the secretary of the London Corresponding Society, has these terms: "I am directed by the Friends of Universal Peace and the Rights of Man, to inform you that we received two letters from you, the first dated September 21st, requesting us to concert with you in transmitting to the French National Convention an address signed by every member, &c. &c. "With respect to the substance of this letter, we believe that the cause of the French is that of every individual person in Europe, that is not fattening on plunder, or through ignorance, obstinacy, and inattention, sit unconcerned, and will not be persuaded to consider, although inevitable ruin should be the awful consequence. We, therefore, think it highly necessary to add our friendly aid and assistance, in order to stimulate the oppressed friends of freedom in France against all the despots in Europe (who are combined against the just and equal rights of man) by assuring them that we view their signal exertions and wonderful victories with admiration, together with the extinction of treacherous royalty, and the restoring to every individual his equal and indubitable rights, as fellow

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men and free citizens; and that our hearts are united with theirs as in one common cause, considering as in a great measure their victory our emancipation, together with their own.—Yet, should it ever be the case that our ministry should be so perfidious as, contrary to their pledged faith of neutrality, to join the execrable band of despots against the cause of freedom, we will stand forward, even to the hazarding our lives, by using every justifiable means to counteract their machinations, and give to the friends of freedom all the encouragement and support which we severally unsupported can afford."

A letter to the secretary of the London Society for Constitutional Information, states that the people of Leicester are to have their first adjourned meeting in a few days, and that they stand in need of a sort of creed for immediate publication; and one from the Norwich Society states, that having found that the Friends of the People, and Society for Constitutional Information, do not exactly agree, they wish to know the reason. That it appears to them that the difference was this:—The Friends of the People mean only a partial reform, because they leave out the words expressing the duke of Richmond's plan, and talk only of a reform; while the Manchester people seem to intimate, by addressing Mr. Paine, that they were intent upon republican principles only; to come close to the main question, they desire to know whether the generality of the societies mean to rest satisfied with the duke of Richmond's plan only, or whether it is their private design to rip up monarchy by the root, and to place democracy in its stead?—The letter then gives an account of the plan which the Norwich Society wish to obtain and which has already been moved for at their general meeting, namely, a full and equal representation of the whole body of the people.

The Manchester reformation society state, that the cause of liberty goes on rapidly in that town; their numbers increase; and they desire to be admitted to correspond with the London Society for Constitutional Information.

A society at Leicester request every particular requisite to enable them to establish a constitutional society there, similar to that in London, and those at Manchester, Stockport, &c. They desire all that is necessary by the first mail; — they state, that they want laws, orders, principles, creeds, addresses, declarations, and resolutions; and a letter from a meeting at Coventry solicits the London Society for Constitutional Information to transmit a plan of the Sheffield, or any other society which they may think best adapted to produce the end of establishing a constitutional society at Coventry.

When the London Corresponding Society found that their conduct began to attract notice, they published a long justification of it, which they communicated to the Society for Constitutional Information. This paper, the professed object of which is to prove the moderation of the society, and to vindicate them from the imputation thrown out against them, concludes in the following words: "Let us wait, and watch the ensuing session of parliament, from which we have much to hope, and little to fear. The House of Commons may have been the source of our calamity—it may prove that of our deliverance; should it not, we trust we shall not prove ourselves unworthy of our forefathers, whose exertions in the cause of mankind so well deserve our imitation."

Your Committee have thus given a view of the different proceedings to the close of the year 1792. Early in 1793 [App. C, 12 April 1793.], the joint correspondence of the two societies in London with the country societies, seems to have been directed to the ostensible purpose of obtaining petitions to the House of Commons in favour of a reform in the parliamentary representation, and also petitions from the same societies against the continuance of the war.—A series of letters relating to these objects is inserted in the Appendix: but your committee think it necessary to call the particular attention of the House to extracts from some part of this correspondence, from which it will appear, that the measure of addressing petitions to the House of Commons in 1793, on the subject of parliamentary reform, was adopted without either any approbation of that mode of application, or any hope of success in its professed object; and that the societies approved of those petitions, even in the exceptionable language in which they were expressed, with no other view than that of accommodating themselves, for a time, to supposed prejudices and circumstances, and of opening the way to the prosecution of their design in that mode which they have since actually pursued, and which appears even then to have been in their contemplation. From some of these letters [App. E. March 1793.] it is evident, that the London Corresponding Society had, previous to the month of March 1793 (although the letter itself, in which they did so, has not been found) stated, for the consideration of the country societies, three propositions:

First, a petition to parliament.

Secondly, a petition to the king.

Thirdly, a convention.

And in a subsequent letter of the 4th of March, from the Corresponding Society to the Society at Sheffield, there is this paragraph:

"With regard to petitioning parliament, we are unanimously of opinion, that such a petition will not produce a reform; yet from many considerations we are now persuaded, that if every society in the island will send forward a petition, we shall ultimately gain ground, for as much as it will force the members of the senate repeatedly to discuss the subject, and their deliberations, printed in the different newspapers, will most naturally awaken

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the public mind towards the object of our pursuit. The nation, once informed that a reform in parliament is sought for in different quarters, gives rise to debates in the House of Commons (and is acknowledged in every rank to be wanting) will begin to exercise their own reasons on the subject;—arrived at that period, we presume our business will be nearly accomplished."

In a letter from the United Political Societies at Norwich, dated 5th March 1793, to the Society for Constitutional Information, they state, that they see a great propriety in universal suffrage and annual election; but wish to know what has been collected to be the sense of the people; that the Corresponding Societies of London have recently submitted three propositions for their investigation:

Whether a petition to parliament, or an address to the king, or a convention: they say, that they are a conquered people under that degrading necessity—to state their grievances to the House of Commons, with a request for redress; and should they refuse to grant their reasonable petitions, they have still got (no thanks to them) a formidable engine that will convey the insult to the remotest parts of the kingdom.—As to the propriety of the second, they say, they are dubious of its good consequences.—Lastly, as to a convention, they say, it is the object that they pursue; that they esteem any other means only in subordination to, and as having a tendency to accomplish that desirable end; but, they add, wishing to be in union with their brethren, they desire to know whether it is necessary to obtain signatures to a petition.

The answer to this letter from Norwich has been already mentioned in the former report: It refers to the three questions stated, and contains the paragraph inserted in the former report.

"Where, then, are we to look for the remedy?—to that parliament of which we complain? to the executive power, which is implicitly obeyed, if not anticipated in parliament? or to ourselves, represented in some meeting of delegates, for the especial purpose of reform, which we suppose you understand by the term Convention?"—It then proceeds: "It is the end of each of these propositions, that we ought to look to: and as success in a good cause must be the effect of perseverance, and the rising reason of the time, let us determine with coolness, but let us persevere with decision. As to a convention, we regard it as a plan, the most desirable and most practicable, so soon as the great body of the people shall be courageous and virtuous enough to join us in the attempt. Hitherto we have no reason to believe that the moment is arrived for that purpose. As to any petition to the crown, we believe it hopeless in its consequences. With respect to the last of the proposals, we are at a loss to advise. If the event is looked to in the vote which may be obtained from that body to whom this petition is to be addressed, which of us can look to it without the prospect of an absolute negative? In this point of view, therefore, it cannot require a moment's consideration. But if we regard the policy of such a measure, it may, in our apprehension, be well worth considering as a warning voice to our present legislators, and as a signal for imitation to the majority of the people. Should such a plan be vigorously and generally pursued, it would hold out a certainty to our fellow countrymen, that we are not a handful of individuals unworthy of attention or consideration, who desire the restoration of the ancient liberties of England; but, on the contrary, it might bring into light that host of well-meaning men, who, in the different towns and counties of this realm, are silently but seriously anxious for reformation in the government. We exhort you with anxiety to pursue your laudable endeavours for the common good, and never to despair of the public cause."

The letters of the Corresponding Society of the 17th of May and 25th July 1793, and of the Norwich Societies of the 5th of July, and various passages in the proceedings of the Scotch Convention, and of those of the Society at Sheffield, will be found to contain additional proofs of what has been represented to be the real view and intention of presenting these petitions: but being subsequent to the time when these petitions were presented, they will be more particularly referred to in stating the transactions during the remainder of the year 1793, of which your committee will proceed to take notice.

After the rejection of the petitions in May 1793, and the determination of the House upon the subject of a change in the representation in parliament, the correspondence inserted in the Appendix [C. 21, 28, June 1793]. will show that the union and concert between the two societies in London seem to have acquired additional strength. It is soon afte distinctly stated, "that more effectual means than petitions must be adopted [App. C. 25, 28 Oct. 8 Nov. and 6 Dec. 1793]; and early in the Autumn of 1793, the joint efforts of the two societies were directed to the formation of a convention at Edinburgh, to which delegates were to be sent from London, and were invited from many of the country societies. Many of these societies actually sent delegates: and of those who did not, several approved of the measure, and only objected to the time: while others, approving both of the time and of the measure, declined any share in it on account of their not having received a sufficiently early notice, or of their being unable to afford the expense with which it was necessarily attended.

The immediate foundations of these proceedings appear to have been a letter from the Corresponding Society, May 17th 1793 [App. E.] to the Friends of the People at Edinburgh, which, after expressing their desire to unite,

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not only with each other, but with every other society throughout the nation, proceeds: "Our petitions, you will have learned, have all been unsuccessful; our attention must now, therefore, be turned to some more effectual means;—from your society we would willingly learn them, and you, on your part, may depend upon our adopting the firmest measures, provided they are constitutional; and we hope the country will not be behind us."

A letter from Skirving to Hardy dated 25th May 1793, is inserted in the Appendix, and contains many passages which appear to be very material, but which will be more particularly referred to in the account of the correspondence of the Scotch Convention.

On the 10th of June 1793, the secretary of the Corresponding Society writes to the secretary to the Constitutional Society at Birmingham: "We are entirely of your opinion with regard to the necessity of a general union; and believe as you do, that when once the country shall be so united, the Neros of the day will be forced to yield to the just demand of a long and sore oppressed people."

A letter from the political societies at Norwich, which appears to have been received by the secretary of the London Corresponding Society, on the 25th of June 1793, contains the following passage: "We received your friendly letter wherein you stated three propositions; first, a petition to his majesty; or to parliament; or, a national convention. I gave my opinion on the subject to the Constitutional Society at London, and found their ideas congenial to my own, viz. an address to the king, futile; a petition to parliament, as a conquered people, tolerable; a National Convention, if circumstances permitted, best of all."

And in a letter from the secretary of the Corresponding Society, of the 25th of July 1793, which appears to be an answer to the foregoing, it is said, "With regard to the questions themselves, however individuals may have made up their minds on them, the public seemed most to approve of the mode of petitioning parliament; we accordingly acquiesced, and sent in a petition, signed by nearly 6,000 persons; with this letter you will receive a copy of it, and of its fate you are doubtless not unacquainted." After saying that their firmness is not confined to words, and that they will be foremost in asserting and recovering the lost liberties of the country, the letter recommends to the Norwich Society to form a junction with all others associated for the same purpose throughout the nation; and above all orderly and courageously to prepare themselves for the event, as they cannot expect to re-possess their rights without a struggle; that it may be advantageous to humanity, that they should show themselves at first an indignant oppressed people, in whom is not yet entirely extinct the valour of their forefathers.

In the month of October the resolutions were passed in the Society for Constitutional Information, and the London Corresponding Society, relative to the convention at Edinburgh, which have been already taken notice of.

The Society for Constitutional Information at Sheffield insert in a letter to the London Constitutional Society [App. E.], the following extract from a letter, which was sent to the convention at Edinburgh: "That it would have given this society the most heartfelt satisfaction to have had a delegation present at their approaching convention, had we received timely notice of their wishes that it should be so: but it unfortunately happens that all the gentlemen belonging to the society, which it would choose for so important a business, are so previously engaged in affairs which they cannot possibly postpone in so short an interval, that it is not in our power to comply with their requisition on the present occasion. This society are also of opinion, that to give such a measure its full effect, it would be necessary that the other societies in South Britain should have communication with each other on the subject, and be able to ascertain that deputations would be sent from, at least, a majority of the societies in this part of the kingdom. And, to evince that we should be happy to unite our efforts with their's in one firm and settled plan, we assure them, that if they think proper to fix another meeting in January or February, or any other time which may be more agreeable, and give us immediate notice thereof, and that they wish to see delegates from the several societies in this part of the kingdom, we will write to all those we are in correspondence with, to get such a delegation as may be truly respectable and important."

In a letter from the Constitutional Society at Leeds, dated 5th November 1793, [App. E.] to the Society for Constitutional Information in London, is the following paragraph: "It is with great satisfaction we read your letter, and approve of your having elected your delegates to serve upon such a laudable undertaking; but, if you meant for the Leeds Society to adopt the same measures, shall be glad if you will answer this immediately; as we are not acquainted with the time of their sitting, we fear our delegates will be too late."

A letter from the Society of Birmingham to the London Constitutional Society states, that they had received a letter from the Constitutional Society, which had obtained the approbation of every member present, and that they would at all times concur with the Constitutional Society in any measure that may have a tendency to hasten the return of departed liberty; that the object of the mission of delegates to the Scotch Convention is a measure upon which depends the regeneration of Britain from a state of slavery to a state of freedom and happiness; and that the society at Birmingham have only to regret

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that, at present, their ability will not allow them to co-operate with the Constitutional Society, by sending a delegate to the convention at Edinburgh? and this they state to be one of the calamities of the war

The society at Coventry [App. E.] transmit to the London Constitutional Society the copy of a resolution of the 28th October 1793, relative to the election of delegates, communicating their approbation of a measure which they conceive peculiarly calculated to accelerate the acquisition of the object proposed.

The proceedings of the Convention, which assembled at Edinburgh in the close of 1793, appear to your committee to have been of such importance, and to throw so much light upon the subject of this part of the Report, that it has been thought necessary to give a connected account of them in this place, with references to extracts from the minutes of that assembly inserted in the Appendix [F.]; and in order to render this account more complete, it may be necessary shortly to recur to the proceedings of two other meetings which had taken place at Edinburgh at an earlier period.

A number of persons, styling themselves a General Convention of Delegates from the Societies of the Friends of the People throughout Scotland, appear, from the papers laid before the committee, to have assembled at Edinburgh on the 11th of December 1792, for the purpose, as they alleged, of concerting measures for obtaining a redress of grievances, and for restoring the freedom of election, and an equal representation of the people in parliament.—This meeting was composed of a number of persons assembled from different parts of Scotland, and delegated by the various clubs and societies which had lately been established in that country under the name of the Friends of the People.—They amounted to about 170, amongst whom were some persons of a higher situation and rank in life, most of whom however afterwards discontinued their attendance.—Skirving, since convicted and transported by sentence of the court of justiciary, acted as their secretary, and continued uniformly to act in that capacity.

After sitting a few days, this Convention appears to have adjourned to the end of April 1793, when they again assembled, though not in such numbers as before, Skirving still officiating as their secretary, and corresponding with all the societies in Scotland, and several in England, on the subject of a reform in parliament. This convention separated in four days, and appointed their next meeting to take place at Edinburgh, on the 29th of October following.

About the time when the first convention separated, in April 1793, a correspondence seems to have commenced between Skirving (the secretary) and various societies in England; and the system of uniting all these societies in Great Britain and Ireland, in common measures, appears to have been regularly acted upon. From a variety of letters found in the possession of Skirving when apprehended at Edinburgh on the 5th December 1793, it appears that he corresponded, as secretary of the Scotch Convention, with the following societies:

The Society for Constitutional Information, Crown and Anchor tavern, London;

The London Corresponding Society;

The Society of the Friends of the People, Free Masons' tavern, London;

The Sheffield Constitutional Society;

Leeds Constitutional Society;

Nottingham Society for promoting a parliamentary reform; and

A Society at Norwich.

The Correspondence with the Sheffield Constitutional Society commences in April 1793.

Three letters from their secretary were found in the possession of Skirving, to whom they are addressed.

The first of these, inclosing a copy of the petition then about to be presented to the House of Commons—The second, inclosing a set of resolutions against the war, which the secretary transmits, with a request that they should be adopted by all the societies in Great Britain—And the third, dated the 27th of May, after acknowledging the receipt of a letter of the 10th of that month from Skirving communicating to the Sheffield Society the, proceedings of the Convention at Edinburgh, which separated in April, approves of its proceedings, and states an address made by their late president to the Sheffield society, which after complaining of the late rejection of the Sheffield petition in the House of Commons, declares, that a reform in parliament can never be brought about but by the powerful interposition of the great body of the people,

The society of Leeds begin their correspondence with Skirving, by a letter of the 29th of May 1793, by desiring fraternal communication with the society of Edinburgh, requesting its assistance and instruction, and that though their numbers are few, not exceeding 200, they are men, and determined to instruct their neighbours in their common interest.

On the 18th of May 1793, the Friends of the People, Free Masons' tavern, London, passed a vote of thanks to the convention which had taken place the beginning of that year for their zeal and activity in the cause of parliamentary reform, and recommended a continuance of the same spirit, industry, and temper, during the recess of parliament. This vote appears to have been transmitted to Skirving in a letter from the secretary, which requests that the vote of thanks might be communicated to the various societies in Scotland.

On the 23d of July, the secretary of the Friends of the People wrote another letter to Skirving (apparently in answer to a letter

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from him on the subject) in which are the following passages—"The plan of delegates would be very improper in this country at present. A very small part of it indeed would be active for reform. If such a meeting is attempted it will operate, like many rash steps of some who wish well to the cause much to its disadvantage."

Another letter dated the 29th of October, from the secretary of the Friends of the People in London, addressed also to Skirving, acknowledges the receipt of several copies of the trials of Muir and Palmer, which he says he will bind up with the trial of Paine, and recommends to the Scottish Convention to avoid the violence which has done mischief to the cause of reform in England.

The correspondence of the London Corresponding Society with Skirving, previous to May 1793, does not appear; but a letter of the 17th of this month, from the secretary to Skirving, which has been already referred to, solicits a renewal of correspondence, and more intimate co-operation.

To this an answer was returned by Skirving, dated 25th May 1793, which has also been before referred to, and has the following remarkable passages:

"If we sought only the extirpation of one set of interested men from the management of national affairs, that place might be given to another set, without affecting the vitals of the system adverse to reform, this might be easily accomplished; but to cut up wide and deep-rooted prejudices, to give effectual energy to the dictates of truth in favour of public virtue and national prosperity, in opposition to self and all its interested habits, and to withstand and overawe the final efforts of the powers of darkness, is the work of the whole and not of a part;—a work to which mankind till this awful period, were never adequate; because never, till now, disposed to fraternize.

"Let us begin in earnest to make up our minds relative to the extent of reform, which we ought to seek, be prepared to justify it, and to controvert objections. Let us model the whole in the public mind. Let us provide every stake and stay of the tabernacle which we would erect; so that when the tabernacles of oppression in the palaces of ambition are broken down, under the madness and folly of their supporters, we may then, without anarchy and all dangerous delay, erect at once our tabernacle of righteousness."

On the 5th of October the secretary of the London Corresponding Society again writes to Skirving, highly approving of the idea of a convention, and expressing his belief that the London Corresponding Society will send delegates to it: "Our freedom, as you justly observe, depends entirely on ourselves, and upon our availing ourselves of this opportunity, which once lost may not be so soon recovered."

On the 8th of November, he again writes to the delegates Margarot and Gerrald, then at Edinburgh, informing them of what had been ture; doing in the society since their depar- and requests to be favoured with the number of delegates in the Convention, and the number from England also, and how the civil and military power relishes your meeting."

On the 29th of November he again writes to them, stating that the general committee "are highly pleased with the proposed union with our Northern brethren; and beg you will use every exertion in your power to establish that desirable union upon a firm and permanent basis. It gives us great pleasure and encouragement to hear that the spirit of liberty is so flourishing in the North; and are happy to inform you that the same noble spirit is making a rapid progress in the South." The instructions from the Corresponding Society to Margarot and Gerrald, dated the 24th of October 1793, signed by their chairman and secretary were also found in the possession of Skirving. They consist of nine different articles. By article 1st, the delegate is instructed, that "he shall on no account depart from the original object and principles of this society, namely, the obtaining annual parliaments and universal suffrage by rational and lawful means: 2nd. To support the opinion that representatives in parliament ought to be paid by their constituents. 7th. That it is the duty of the people to resist any act of parliament repugnant to the original principles of the constitution, as would be every attempt to prohibit associations for the purpose of reform."

The instructions by the society for Constitutional Information to their delegates were also found in the possession of Skirving; the purport of which have been already stated in the former Report of the committee. There was likewise found in the possession of Skirving, a letter from the secretary of the Leeds Constitutional Society, addressed "to the members of the Scotch Convention," and which is inserted at full length in the Appendix. [App. F. No. 8.]

From the papers produced to the committee, it appears that this Convention did accordingly assemble at Edinburgh on the 28th of October last, to the number of about 150 persons; and after sitting four days, in the hope of being joined by the delegates from England, they separated, in the apprehension that the English delegates did not mean to attend.—Two days afterwards, Margarot and Gerrald, with two other persons, one of them a delegate from the London Society for Constitutional Information, and the other a delegate from Sheffield, arrived in Edinburgh. Skirving immediately called together a new Convention, to meet upon the 19th of November; and in an advertisement inserted in the newspaper called the Edinburgh Gazetteer, and by hand-bills, strongly urged the necessity of the delegates throughout Scotland attending to this meeting.

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About the 4th or 5th of November, Messrs. Hamilton Rowan and Butler, members of the Society of United Irishmen of Dublin, arrived at Edinburgh from Ireland, though with no immediate commission on this business; but during the week they remained in that place, they, with the English delegates, attended the meeting of the general committee of the Convention, in which it was agreed to receive these two gentlemen as delegates from the Society of United Irishmen. Mr. Hamilton Rowan appears to have acknowledged, by voluntary declaration before the sheriff of Edinburgh, that he had been solicited by letter from Scotland on the subject of sending delegates from the Society of United Irishmen to attend the Scotch Convention; but he declined mentioning the names of the person or persons who had so corresponded with him.

This Convention accordingly met on the 19th of November, to the number of about 160, and rather a greater proportion of country delegates than before: Rowan and Butler were by this time returned to Ireland; but the English delegates remained, and regularly attended the Convention as long as it continued to meet.

During the three first days the Convention appears, from its minutes, to have chiefly employed itself on matters of form; but having on the 22d November 1793, changed its title to that of "The British Convention of Delegates of the People, associated to obtain Universal Suffrage and Annual Parliaments," they, in almost every particular, assumed the style and mode of proceeding adopted by the National Convention of France. They divided themselves into sections—committees of organization, instructions, finance, and secrecy; denominated their meetings sittings; granted honours of sittings; made honourable mention in their minutes of patriotic donations; entered their minutes as made in the first year of the British Convention; instituted primary societies, provincial assemblies and departments; received from their sections a variety of motions and reports—some of which have the words "*Vive la Convention*" prefixed to them, and end with "*ca ira*"—and some dated, "first year of the British Convention, one and indivisible."

Having at last, on the 28th of November, with peculiar solemnity, passed a resolution, which necessarily attracted the attention of the law officers of the Crown, the ringleaders, with all their papers, were seized, early on the morning of the 5th of December, and carried before the proper magistrate for examination. The resolution alluded to, and which appears from the minutes (extracts from which are stated in the Appendix) to have been the subject of frequent and deliberate consideration, was deemed by the convention as not expedient to be inserted immediately in its proper place. The insertion of it appears to have been postponed till the close of the Convention, and a blank was left for that purpose in the minutes. The motion with the resolutions founded thereon, was discovered amongst the papers of the delegate from the Society for Constitutional Information in London, and is of the following tenor:

"Resolved, That the following declaration and resolutions be inserted at the end of our minutes; viz.

"That this Convention, considering the calamitous consequences of any act of the legislature which may tend to deprive the whole or any part of the people of their undoubted right to meet, either by themselves or by delegation, to discuss any matter relative to their common interest, whether of a public or private nature, and holding the same to be totally inconsistent with the first principles and safety of society, and also subversive of our known and acknowledged constitutional liberties, do hereby declare before God and the world, that we shall follow the wholesome example of former times, by paying no regard to any act which shall militate against the constitution of our country, and shall continue to assemble and consider of the best means by which we can accomplish a real representation of the people, and annual election, until compelled to desist by superior force.

"And we do resolve, That the first notice given for the introduction of a convention bill, or any bill of a similar tendency to that passed in Ireland, in the last session of their parliament;

"Or any bill for the suspension of the Habeas Corpus act, or the act for preventing wrongous imprisonment, and against undue delays in trial in North Britain;

"Or in case of an invasion; or the admission of any foreign troops whatsoever into great Britain or Ireland;

"All or any one of these calamitous circumstances, shall be a signal to the several delegates to repair to such place as the secret committee of this Convention shall appoint; and the first seven members shall have power to declare the sittings permanent, shall constitute a convention, and twenty-one proceed to business;

"The Convention doth therefore resolve, that each delegate, immediately on his return home, do convene his constituents, and explain to them the necessity of electing a delegate or delegates, and of establishing a fund without delay, against any of these emergencies, for his or their expense; and that they do instruct the said delegate or delegates to hold themselves ready to depart at one hour's warning."

These Resolutions appear, from the minutes, to have been immediately followed up by the appointment of a secret committee, whose powers and mode of proceeding are precisely and distinctly marked out in the minutes of the convention. It is proper farther to state, that on the 4th of December,

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the day preceding the arrest of the ringleaders, when they probably had either received information, or had suspected from their own conduct that measures were to be taken against them, the convention, on the motion of Margarot, unanimously resolved,

"That the moment of any illegal dispersion of the British Convention shall be considered as a summons to the delegates to repair to the place of meeting appointed for the convention of emergency by the secret committee; and that the secret committee be instructed, without delay, to proceed to fix the place of meeting."

Upon the evening of the 5th of December, the Convention met, notwithstanding the arrest of their leading members on the morning of that day, and proceeded instantly to declare themselves permanent, and to meet in spite of the magistrates; but were prevented from proceeding farther by the unexpected appearance of the magistrates, to whose authority they refused to submit, until the provost of the city seized the Sheffield delegate, their president, and compelled him to leave the chair. They again met on the evening of the 6th of December, in a House in the suburbs of the city, and were proceeding with the same violence as on the preceding evening, when the sheriff of the county interrupted and dispersed them. Since this period no public meeting has been held; but they have continued to meet privately and in different societies, and appear still to carry on a secret correspondence with various parts of England and Scotland. An abstract of the minutes of this Convention, and of the most material motions and proceedings held amongst these persons, and three letters to the secretary of the Corresponding Society, are subjoined in the Appendix to this Report. [F. No. 10, 11, 12, and 13.]

Subsequent to the dispersion of the Scotch Convention, the plan for calling another convention in England became the immediate object of the two societies in London. An account of their proceedings for this purpose has already been laid before the House in the former report; but in order to give a more connected view of the whole subject, your committee have inserted, in order of time, in the Appendix, the same proceedings to which they have already referred. Your committee having observed, that the variation between the entry on the books of the society for Constitutional Information, of the 11th of April 1794, and the entry of the Report received the same day, from the joint committee of the two societies, is likely to be relied on, as tending to show that the Society for Constitutional Information did not concur with their committee in the design of assembling a pretended general convention of the people, have inserted at full length in the Appendix all that appears in the books of the Constitutional Society on that subject. They have also thought it right to insert the account given of this transaction, in the examination of Mr. Thompson, a member of this House, to which they refer. [App. G.]

In pursuance of the plan which they have adopted, the committee have next inserted such correspondence and proceedings of the societies in the country, as have passed since the dispersion of the Convention at Edinburgh with relation to the measures to be taken in consequence of that event, and to their concurrence in the design, formed in London for assembling another convention in England.

At a general meeting of delegates held at Norwich, it was unanimously resolved, that one or more delegates shall be sent to the next general convention, as soon as called for by their London correspondents. [App. H.] In a letter to the secretary of the London Corresponding Society, from the Norwich Societies, they desire to know whether the Friends of the People consent to a convention, and whether they will take an active part.—"Many of our friends are fully convinced of the necessity, legality, and rationality of a convention; but quere whether the time be expedient?"

Some persons, who describe themselves as friends to a radical reform, write from Newcastle upon Tyne [App. H.] to the secretary of the Corresponding Society, that they dare assert the natural and unalienable rights of man, and have formed themselves into societies, which meet weekly, admitting none but known friends, and have assumed no name but that of newspaper companies.—They were in great spirits while the British Convention continued to act; but after their suppression, a damp was cast on the whole,—subscriptions were ready to be sent off the very night they were suppressed.—They wish to copy the example of the London Corresponding Society, and to know their views and intentions as soon as convenient; and desiring to be favoured with the correspondence of that society—they conclude, by expressing a hope "that the hydra of tyranny and imposition may soon fall under the guillotine of truth and reason." The Corresponding Society return an answer, in which they exhort the society at Newcastle to be assured that the glorious reign of liberty and equality will, ere long, be established, and modern governments, with every appendage of wickedness and corruption, will flee from their general influence.—They complain of the rapid advances of despotism in Great Britain, and express their readiness cordially to unite with every society in the three kingdoms, who have for their object a full and effectual representation of the people; they therefore have deputed six of their members to meet six members of the society for Constitutional Information, to form a committee of correspondence and co-operation.—"This committee meets regularly twice a week, and any member delegated by your society will

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meet with every information required. We inclose you a few of our resolutions, entered into at our general meeting on the 14th of April, which will be sufficiently explanatory of our sentiments and views. We heartily concur with you in wishing that the hydra of tyranny and imposition may soon fall under the guillotine of truth and reason."

A letter to the secretary of the London Corresponding Society from the secretary of the Constitutional Society at Sheffield [App. H.] gives an account of a meeting at Halifax. The Friends of Peace and Reform at Halifax, held a general public meeting in the open air, on April 21st, 1794, at which were many friends from Leeds, Wakefield, Huddersfield, Bradford, and the adjacent neighbourhood.—The Friends of Freedom, after the meeting, agreed to hold a general meeting of delegates, in order to consider of the measures to be adopted by them preparatory to a general convention.—The people of Halifax were advised by the Society at Sheffield, to defer the meeting of delegates until further information from the London Corresponding Society on that subject; and for that reason application was made to the secretary of the London Corresponding Society, requesting as early intelligence as possible on that important business.

The society at Bristol [App. H.] applaud the resolution of the London Corresponding Society for forming another general convention, and state that their increasing numbers give them every reasonable hope of soon being able more effectually to co-operate with that society—they desire a sketch of the plan respecting the general convention. In the answer of the London Corresponding Society it is stated that a printed circular letter from them has been determined upon, of which the society at Bristol may expect a copy in a few days.—This refers to the circular letter for calling a convention, inserted by your Committee in their former report.

Your Committee have thought it right in this place to call the attention of the House to the proceedings of a meeting held at Sheffield on the 7th of April 1794, which form a very material part of these transactions; although it does not appear that at that meeting any resolution was passed expressing an intention to send delegates to the intended convention. These proceedings consist of an address to the king; an address to the nation; certain resolutions; and speeches (printed together with them, and) delivered on the same day by a person calling himself Henry Yorke.—the title is as follows:

"Proceedings of the public meeting held at Sheffield in the open air, on the 7th of April 1794; and also an Address to the British nation, being an exposition of the motives which have determined the people of Sheffield to petition the House of Commons no more on the subject of Parliamentary Reform."

In the course of these proceedings it was moved, "That a Petition be presented to the House of Commons, for a reform in the representation of the people in parliament:" But so marked was the disapprobation given by the whole meeting to this measure, that not one single person seconded the motion, but a most profound silence, interrupted only by a few murmurs, was observed.

An account is afterwards given of one of Yorke's speeches, in which, after speaking of general history, there is the following passage: "It must be granted that this experience is important, because it teaches the suffering nations of the present day in what manner to prepare their combustible ingredients, and humanists in what manner enkindle them, so as to produce with effect that grand political explosion, which at the same time that it buries despotism, already convulsive and agonizing, in ruins, may raise up the people to the dignity and sublime grandeur of freedom. When such a revolution of sentiment shall have dispersed the mists of prejudice; when by the incessant thunderings from the press, the meanest cottager of our country shall be enlightened, and the sun of reason shall shine in its fullest meridian over us, then the commanding voice of the whole people shall recommend the five hundred and fifty-eight gentlemen in St. Steven's chapel to go about their business."

The Resolutions adopted at the meeting, were;

"1st. That the people being the true and only source of government, the freedom of speaking and writing upon any subject, cannot be denied to the members of a free government, without offering the grossest insult to the majesty of the people. 2d. That, therefore the condemnation of citizens Muir, Palmer, Skirving, Margarot, and Gerrald to transportation, for exposing the corruptions of the British government, was an act better suited to the maxims of a despotic than a free government. 3rd. That the Address which has now been read, be presented to the king, in behalf of the above persecuted patriots. 4th. That in every country where the people have no share in their government, taxation is tyranny. 5th. That therefore a government is tyrannical or free, in proportion as the people are equally or unequally represented. 6th. Convinced of this truth, it is the opinion of this meeting that the people ought to demand as a right, and not petition as a favour, for universal representation. 7th. That therefore we will petition the House of Commons no more, on this subject." And lastly (after agreeing to a petition to the king respecting Negro slavery, and passing several resolutions on that subject) "That the committee of the Sheffield Constitutional Society be desired to see that the above resolutions be carried into effect; and that they prepare an address to the British nation, explanatory of the motives which have induced this meeting to adopt the

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resolution of no more petitioning the House of Commons on the subject of reform."

The following passages are extracted from this Address:

"Friends and countrymen;—We have this day decided, with the exception of only one dissentient voice, that the House of Commons shall never again be petitioned by us on the subject of parliamentary reform."

The Address then recites the words of the petition of the 8th of April 1793 ["That the House of Commons is not in the just sense of the words what your petitioners are from form obliged to term it, viz. the Commons of Great Britain in parliament assembled"]; and then proceeds, in different passages, as follows:

"Our petition was received with the utmost indignation by the House of Commons, which was no more than we expected.—

"And although our petition was disdainfully rejected because not couched in language sufficiently polite and respectful for the five hundred and fifty-eight gentlemen who sit at the House of Commons; yet believe us, fellow citizens, we are still of opinion, that the matter it contained was not only just and proper, but we think that even the language which gave so much offence to the honourable gentlemen was much too polite and too moderate for us. For if the House of Commons were the real representatives of the people, we certainly had a right to dictate, and not to petition, because they could be considered in no other light than as the organs of the public will; and if they refused to obey that will, they would be usurpers and not representatives.—

"However the petition, such as it was, being termed disrespectful, was thrown out by a majority of 79, there being 29 only who voted for its being received, and 108 who voted against it.—

"Such imperious treatment rather gives warning than strikes terror.—

"We said to the House of Commons, We are wronged and aggrieved: will you right us, and redress our grievances, or will you not? If you will, we shall be satisfied; if you will not, we shall seek redress some other way. This is the sole question with us; and we put it, as we thought, in a most becoming style to the House of Commons. But our petition being scouted, we shall trouble them no more with our coarse and unmannerly language."

"It will be our duty to proceed, as we have uniformly done hitherto, in enlightening the public mind; and when a complete revolution of sentiment shall take place (as will shortly be the case) in our country, we shall open our mouths in that key we think most agreeable to ourselves." "And our voice, together with that of our disfranchised countrymen, will resemble, perhaps the thunderings from Mount Sinai!"—

"Those who have a right to speak in a dictatorial tone disgrace themselves by petitioning."—

"These essential principles are both easy and comprehensive. On these we build our right to representation, and renounce the idea of future petitions. By these maxims, we find that every Englishman is free; and that in the election of a supreme magistrate, or in the delegation of legislative powers, he concedes his actions to a certain superintendance, for the express purpose of preventing liberty from vaulting over its limits, and introducing a system of universal violence, injury, or licentiousness. And although either of these two delegated powers be sufficient to keep any individual to his duty, or to control every association in the community, yet they are always inferior to the force which the whole society might exert, and are amenable to that society, either in an assembly of the nation, or in a deputation formed for the purpose.—

"Acts of parliament, unless sanctioned by the approving voice of the whole community, or their representatives, are nothing less than arbitrary edicts under different names, and bear a strong resemblance to the rescripts of the emperors, or the decretals of the Vatican.—

"What is the constitution to us, if we are nothing to it? And what is any government but tyranny, in which the people have no share? The constitution of Britain, indeed, is highly extolled, as the greatest effort of human wisdom; so is the constitution of Turkey at Constantinople: but these are prejudices; and the long tyranny of prejudice is verging to a speedy termination.—

"Yes, contrymen, we demand equality of rights, in which is included equality of representation; without which terror is law, and the obligations of justice are weakened, because unsanctioned by the sacred voice of the people. We are not speaking of that visionary equality of property, the practical assertion of which would desolate the world, and re-plunge it into the darkest and wildest barbarism; but that equality we claim is, to make the slave a man, the man a citizen, and the citizen an integral part of the state; to make him a joint sovereign, and not a subject."

The reasons which induced the meeting at Sheffield to omit any resolutions upon the subject of the intended convention, have been distinctly stated, by two persons who had been secretaries to the Constitutional Society in that town.

From their examination, it appears that a number of printed circular letters had been received at Sheffield, from the secretary to the London Corresponding Society, relative to a convention, and that the Sheffield society objected to the calling it at this time, but had no objection to the measure itself; that it was their opinion that the British Convention at Edinburgh ought to have secured the confidence of the people by a public address to the nation before they had ventured to sit as a permanent body; and that the address from Sheffield to the nation, containing a recommendation that no more petitions should be

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presented to parliament, was intended to prepare the people for a convention.

While these proceedings were taking place in different parts of England, with a view to a general convention, it appears from the information contained in the letters from the secretary of state, which have been already referred to, that measures of a similar tendency were carrying on with great activity, and to a great extent, in Scotland. The appointment of delegates to attend a convention to be assembled at some place in England at an early period, seems to have been very generally recommended by the committee at Edinburgh.

The naming the place was for the present omitted, but it was promised to be shortly announced through the secret committee, in the same manner as appears from the circular letter of the London Corresponding Society (inserted in the former report) to have been intended in this part of the kingdom; and the invitation to appoint delegates appears to have been circulated by the same emissaries who were employed by the committee at Edinburgh for the purpose of promoting the plan of arming those with whom they were in correspondence.

From a review of these proceedings, it indisputably appears that the immediate and ostensible object professed to be aimed at by the measures which have been related (if stated within the narrowest limits) was that of effecting no less fundamental a change in the frame of the House of Commons, than the introduction of universal suffrage in the election of it, and rendering the period of the election annual; that through the whole course of the correspondence which has been carried on, and the concert which has been formed by different societies for this purpose, no idea has for a long time been pointed at, of obtaining this change by any application to parliament; that, on the contrary any such idea has been specifically and pointedly disclaimed, recently by the formal and, in some instances, public resolutions of the societies in London, and many of those in the country, and repeatedly, and from an early period, in the private correspondence, either of the societies, or of their leading members. It has been expressly laid down that more effectual means than petitions must be tried. The express object stated in the resolutions for calling the proposed general convention of the people, or general meeting of the Friends of Liberty (under whichever of those names it is to be described) was to consider of the means of obtaining a full and equal representation, not of the thing to be obtained, but of the means of obtaining it, and this subsequent to the declarations last mentioned, that more effectual means than petitions must be tried. These more effectual means could, in the very nature of the thing, consist of but one or two possible alternatives, either introducing this change in the frame of one branch of the legislature, by some other authority than that of the legislature itself; or bringing that legislature, either by force or intimidation, against its will, to lend its authority to that purpose.

Accordingly the mildest terms in which, for a long time, the parties to this measure have described, the mode by which they expected to attain their ends, have pointed at so extending and diffusing these societies, and establishing such an union and concert among them, as might spread their principles and opinions through every part of the country, and produce a declaration of the collective sense of the people, in such a manner, as to overcome all resistance.

But on many other occasions, and more openly of late, the language adopted has pointed more distinctly at the use of open force; at the specific object of actually assembling a pretended National Convention; at the necessity of preparing courageously for the struggle, which they must expect before those who were adverse to their measures would yield to them; and at obtaining the redress which they profess to seek, not from parliament, or from the executive government, but from themselves, and from their own strength and valour, from their own laws, and not from the laws of those whom they term their plunderers, enemies, and oppressors; and when the language to this effect repeatedly and deliberately used on so many occasions, and in so many quarters, is combined with the means lately employed for providing an armed force, and with the other projects of violence and open attack on different branches of the existing authority, which have appeared to be in the contemplation of some of the parties in these measures, it is impossible not to conclude, that it was by such means, by their own strength and numbers, by open force, defying and either overawing or superseding the authority of the legislature, that (in the extravagance of their imagination) they had formed the hope of accomplishing their daring and desperate designs.

But, extravagant and enormous as this project is, even on this statement, it appears to your committee to be by no means confined even within these limits. The attempt to obtain a change in one branch of the legislature by force or terror, against the will of the whole, does indeed of itself include if successful, at least a temporary suspension of all the existing powers of government, and could hardly be supposed to stop short of an entire destruction of the constitution. But from the whole tenor of the system which has been acted upon, it is apparent that this was not merely the possible or probable consequence of such an attempt, but that the principles on which it was founded, and the mode by which it was intended to be executed, obviously and necessarily tended to such a result. The principles on which the

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supposed right of universal suffrage was founded, were not such as led merely to the single act of altering to that extent, the frame of the House of Commons, and afterwards leaving the House of Commons, thus modelled, in possession, together with the crown and the House of Lords, of their former legislative authority, or the crown in possession of its former executive power; but while they led to an alteration in the frame of the House of Commons, they equally led, if carried to their natural extent, to the extinction and destruction of the other two branches of the legislature.

A proposition so extravagant may at first be difficult to be credited; but it appears to the committee to be distinctly proved, from an examination of the nature of the principles themselves; from a consideration of the system as actually carried into effect in France, and proposed as a model by those who were the chief actors in these proceedings in this country; and, by repeated declarations or acts, which either directly or by necessary inference point at the destruction of hereditary monarchy, hereditary nobility, and every distinction of orders and ranks in society.

Your Committee have stated to the house in their former report, that subsequent to the steps taken for the apprehension of the persons suspected of being concerned in the design which has been the subject of this report, strong indications had appeared of a disposition to concert the means of resisting such measures as might be adopted for preventing the accomplishment of the design itself, or for bringing the authors or abettors of it to punishment.

It appears to your Committee, that immediately after the apprehension of several of the leading members of the London Corresponding Society, a committee was appointed under the title of a Committee of Emergency, for the express purpose of counteracting the steps which had been taken by the executive government to check the further progress of the system which has been detailed in this report. It also appears that it has been made matter of deliberation, in the divisions of the London Corresponding Society, whether in the present exigency they should proceed to address the king, to petition parliament, or to make an appeal to the nation at large: The latter propositionwas adopted; and, in consequence of that decision, a paper has been printed and published under the name of the London Corresponding Society, and which your Committee has every reason to believe to be authentic: This paper contains the following passages; viz. "That we intended to call a convention is a truth, which needed neither general warrants, armed messengers, or secret committees to discover, since it was accompanied by a resolution, to make that intention known by 200,000 printed copies of that day's proceedings. But the purport ascribed to that convention, viz. the assuming legislative power is a groundless falsehood:—The sole intent was, to devise means of attaining a complete representative body, on the principles of universal suffrage, equal personal representation, and annual election; and whenever, or however, such a body can be obtained, it will not be in the power of all the placemen and pensioners in St. Stephen's chapel to dispute its legislative authority. We are aware that in these times of constitutional bigotry, the last sentence may sound unpleasantly to many, who do not deserve to be considered as enemies to liberty:—We therefore wish it to be clearly understood, that we speak of a representative body of the whole nation, and not of any particular part or description of men; and as the divine right of kings is not at this time directly asserted (at least in this country) by any, but the most extremely ignorant, we think it ought to follow, as a natural consequence, that the people are the only legitimate source of authority; and it appears to us that the vain attempt to draw a medium between these opinions has produced endless absurdities and contradictions, to the disgrace of our records and law books. Among these the most conspicuous is called, the abdication of James 2nd, which phrase (coined for the purpose) may be either understood to mean his expulsion by popular authority, or his voluntary resignation; if the former, it sanctions the doctrine which we have advanced; if the latter, we scruple not to call it a national lie. To the honour of Scotland, their parliament explicitly declared him banished by authority of the people. But, citizens, let us explain the truth:—The expulsion of James 2nd, and the establishment of William 3rd, though doubtless agreeable to the general wishes of the people, was not in point of form an act of the people. It was the act of a number of persons, calling themselves a convention, but not regularly authorized by popular delegation, and consequently falling under the description of a faction; and this not merely in theory, but in fact, for their unwillingness to acknowledge the rightful power of the people was the reason of their adopting the inexplicable phrase above-mentioned.

"The providing arms is another charge, on which we wish to speak with caution; lest in asserting, which we do—that it is totally false—we should be understood to admit that if it had been true, it would have proved criminality.

"We freely acknowledge, that some of our members have applied themselves to the knowledge of arms; and, far from desiring to make a secret of this circumstance, we wish their example was followed by the whole nation. We then need not fear invasion, either from Frenchmen, Hessians, or Hanoverians: nor should we easily be alarmed by the mock discovery of plots, which never existed.

"We are perfectly convinced of the pro-

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priety of our opinions respecting the rights of the people to have arms, and to regulate their constitution.

"It may be expected that we should not conclude without exhorting the associated friends of freedom to an active perseverance in the object of their associations,—but, judging from the conduct of our own members, we are happy in declaring that we think no such exhortation necessary."

From these passages it appears, that since the apprehension of their leading members, and the measures which have been lately taken in parliament on the subject of their designs, the London Corresponding Society have openly avowed their intention to call a convention, for the purpose of devising means to attain a complete representative body, on the principles of annual election and of universal suffrage, without any reference whatever to parliament, and (as far as can be collected from their own interpretation of the phrases which they have used to describe the House of Commons) with the farther intention of arrogating to the body constituted according to the manner to be prescribed by such a convention, the whole legislative authority of the nation.

It appears also that the London Corresponding Society admit that some of their members have applied themselves to the knowledge of arms; and although they deny having provided arms, they desire not to be understood as admitting that if it had been true it would have proved criminality; and they assert the propriety of their opinion respecting the rights of the people to have arms, and to regulate their constitution.

And this open avowal of the design of calling a convention, and of the fact of having applied themselves to the use of arms, is accompanied with a declaration of their determined purpose to persevere, with activity, in the objects of their association;—objects which have been already sufficiently explained to the House by reference to the acts of the society, and to the professed principles of its leading members.

If the circumstances which have been stated in this report appear to the House in the same view in which, on the most attentive consideration, they have appeared to your Committee, it is scarcely necessary to state any collateral matter in order to satisfy the House how much the peace, safety, and happiness of the country must have been affected by the further progress of the measures which have been stated.

But if any thing were wanting to add to this impression; it would arise from the recollection, that the incitement to internal commotions in other countries is the most distinguishing feature, both of the declared principles and of the uniform practice of France under their present system, and that in the public acts of those exercising the powers of government in that country, an intention of invading these kingdoms, founded on the idea of receiving support and assistance within the country, has been openly avowed. The case does not, however, rest here.—It has come under the observation of your committee, that recent measures have been actually taken by the ruling powers in France for endeavouring to ascertain, both in Great Britain and Ireland, the degree of co-operation and assistance which they might expect in any attempt of this nature.

This communication does not appear, from any evidence before the committee, to have any immediate connexion with the societies, whose proceedings have been the subject of this report; but the connexion with their general objects is sufficiently evident, both from the nature of the thing, and from the particulars which have been stated in the course of the report.

It is not immaterial to add, that in Ireland these communications appear to have been directly addressed to a person acting in concert with the societies here, one of their honorary members, and who has taken an active part in the course of the proceedings to which your Committee have referred.

Your Committee have, for obvious reasons, omitted to annex to their Report the evidence of particular witnesses, by whom the facts above stated are supported; and, for the same reasons, they have studiously forborne to mention the names of persons and places, in all cases in which they could be omitted with a proper attention to the general object of their inquiry, and to the information which the House has a right to expect upon so important a subject.

Appendix to the Second Report from the Committee of Secrecy.

Appendix, A. (No. 1.)—Paper distributed amongst the Fencibles.

Friends and brethren;—It is with the greatest pleasure that your countrymen are informed, that such is your attachment and love to them, and to your native country, that you manfully and firmly resolve not to leave it upon any terms contrary to those upon which you were at first engaged. Your countrymen love you, and their hearts would be as much wounded to part with you, as your's would be to be separated from them. They well know that they are safe under the protection of their fathers, their sons, their brothers, in arms, and they neither wish nor desire any other defenders. They hope and belive that your hearts are filled with the same sentiments.

The great mass of the people from amongst whom you have been enlisted, have been represented to you as your enemies. Believe not the assertion. They have been taught to consider you as foes; but they do not fear finding friends amongst their brethren. Their

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cause and yours is the same:—They are poor, but they have honest hearts: hearts which sympathize in your cause: they look for the same friendship and the same sympathy in you. They rejoice to hear, that you are becoming daily more convinced of the great truth, that the law ought to be the same to the Highlander and to Lowlander, to the rich and to the poor, and that no man can be compelled to take up arms, by any authority whatsoever, unless his own inclinations prompt him to do so.

This truth has been hitherto carefully concealed from you, but it is not the less certain. —The will of your laird, cannot without your, own consent, separate you from your families and friends, although many of you may have experienced the exertions of such a power, however unjust, and however contrary to law.

We respect and admire that principle which induces you (though necessity has compelled you to take up arms) still to persist in remaining to defend your friends at home, and not to quit a country which holds pledges so dear.

When you are gone, where is their defence —They may be either left without protection, or may soon see their country overrun by foreign troops, such as in time past have already shed the blood of your ancestors without provocation and without remorse, and who would feel perhaps as little compunction in shedding theirs. Prepared for every deed of horror, these foreign mercenaries may violate the chastity of your wives, your sisters, and your daughters, and when desire is satiated cruelty may resume its place in their hearts, as experience has too well and too fatally shown, and friends, parents, children, brothers, may be involved in one common slaughter.

The cruel massacre of Glencoe cannot yet be forgotten; are there not amongst you, whose forefathers perished there? Their hearts throbbing with kindness and hospitality were pierced with the daggers of their treacherous guests, and the feast prepared by the hand of unsuspecting friendship, was closed with a scene of blood! Such is the return for kindness and hospitality! Such the protection which your families have to expect—!!!

How will they then look around in vain for your protecting care, when perhaps you are fighting at a distance in a foreign land?—But they hope you will not forsake them. Stay, Oh stay, and defend your families and your friends!

For that purpose alone you were enlisted. They are ready to come forward for you in the vindication of your rights. Thousands join in the same sentiments with you, and ardently wish for your continuance amongst them. The circumstances which might require you to quit your country have not yet taken place. No invasion has yet happened—You cannot be compelled to go—Leave not your country —Assert your independence—Your countrymen will look up to you as their protectors and guardians, and will in their turn lift up their arms to protect and assist you.—Dundee April 12th 1794.

Appendix A. (No. 2.)—To the Landholders of the county of Perth.

Gentlemen; observing an advertisement in the Edinburgh newspapers requiring you to meet here on the 11th current to take into consideration a plan of the executive government for the internal defence of the country, we, a number of the inhabitants of Perth and neighbourhood, consisting of upwards of three hundred effective men, deeply impressed with the dangers which threaten the nation, and animated with that patriotism which proclaims to the world that the safety of the people is the supreme law, make a voluntary offer of our services to assist in protecting the liberties of the people from any encroachments, either from hostile invaders, or more dangerous internal foes, pledging ourselves on the one hand to resist every attempt to invade private property, and on the other to crush and subdue every unlawful combination of the rich against the poor; and being sensible that the protection of the people's liberties is a trust of such importance that it ought to be committed to those only who are capable of discerning the eternal laws of justice, and of feeling and acting according to the force of principle, we pledge ourselves that none but true men, answering to this description, shall be allowed to enter our band; because, independent of the palpable absurdity of committing our defence to criminals, we disdain the mean shift of crimping, and sweeping prisons.

It is on the foregoing principles that we offer our services to the county, on the following terms, as a body of infantry troops.—1. We consider these principles as the best security for preserving order; and as military law must be very disagreeable, and is wholly unnecessary to men of our peaceful habits of life, we therefore require that every offence shall be tried by a jury chosen from among ourselves. 2. As we are for the most part settled in business, or have families of our own, we must therefore expressly stipulate, that unless an invasion shall take place in a neighbouring part of the country, we shall not be carried out of the county without our own consent, declared by a council chosen by ourselves, and held for that purpose. 3. We require to have the sole power of choosing our own officers from among ourselves, and of cashiering and placing them in the ranks at every month's end, if necessary. 4. We require that the county, or government, shall furnish us with arms and military stores, together with every other equipment necessary for the purposes of defence.

On the other hand, we engage to find serjeants in our own body, qualified to train and discipline the men, and shall require no pay,

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unless called out to actual service. This plan we consider as greatly preferable to that of raising troops of cavalry, as proposed in some counties, for the following reasons: 1. That the horses being taken from the purposes of agriculture must be very hurtful to the country. 2. Cavalry are extremely expensive; and in addition to the present enormous burden of foreign troops, together with our own, will fall heavy on government. 3. They will require six or nine months to train them; whereas we engage to be ready in four weeks from the time we are embodied, for actual service. 4. Without an adequate body of infantry, cavalry are wholly incapable to repel an invasion, and are only fit for pursuing a flying enemy, or running down an unarmed multitude. 5. We engage, when properly trained, to beat off double our own number of the best cavalry that can be brought against us.—We also promise to double or triple our number, upon a day's notice being given, if thought necessary. The committee are instructed, by a general meeting of the volunteers, to adhere to their former principles, which are exactly the same as presented to the general of the landholders.——(signed) Robert Henderson, shoemaker; Matthew Calderwood, do. John Johnston, weaver; David Smith do. James Hakstoun, do. Robert Sands, do. Andrew Pitkethly, shoemaker.

Copy, minutes of general meeting 11th April 1794.—The preses produced a letter which had been handed to him, signed by Robert Henderson, Robert Sands, Matthew Calderwood, David Smith, Andrew Pitkethly, and Thomas Smith, relative to an offer of their services, and of others who had previously presented an unsigned petition to the meeting (but which had been withdrawn) for the internal defence of the country: which letter being read, the meeting remit to the committee appointed for carrying into execution the resolutions of this meeting, relative to the raising of two or more troops of Fencible cavalry for the internal defence of the country.

Copy letter referred to in minutes of 11th April 1794.—To the President of the Meeting of Landholders of the county of Perth, presently assembled in the sheriff court room.

President;—We sent in a number of proposals into court to be presented by colonel Erskine, which we understand are thrown out because they have no signatures affixed: we are deputed by these persons, who offer their services, and are ready to appear in open court to give every satisfaction respecting the matter; we therefore request that you will bring forward the proposals, and we shall be ready to wait on you when called upon. President, we are yours.—(signed) Robert Henderson, Robert Sands, Matthew Calderwood, David Smith, Andrew Pitkethly, Thomas Smith.

P. S. The deputation is in Mr. Murray's, at the back of the gaol.

Half past five o'clock P. M.

Minutes of committee, 12th April 1794.—The committee having examined the letter which was referred to their consideration by the general meeting yesterday, which letter has a reference to a previous petition presented to the meeting of yesterday, but afterwards withdrawn, they find it impossible to deliberate on that subject at present, neither having the original petition, nor any plan respecting the mode of internal defence pointed out by the petitioners, before them; they therefore desire Mr. Paton to deliver a copy of this sixth resolution of the committee to the petitioners, so as they may transmit their original petition, and may communicate any plan which they have to offer relative to the internal defence of the country, which will be paid due attention to by the committee at their next meeting.

Minutes of committee, 25th April 1794.—The committee again considered the letter signed by six persons, and received the original petition they referred to, with an addition since made to it, and the subscription of seven individuals adhibited thereto; and were informed by these persons that the resolutions contained in the original petition were agreed to at a meeting, called by means of a printed hand bill pasted up in the streets of Perth, and held on the North Inch last Wednesday evening; at which meeting they were also informed that the same persons resolved on presenting a petition to his majesty in behalf of Muir, Gerrald, and the other persons who have lately been sentenced to be transported for the crime of sedition; the committee are of opinion that zeal displayed by individuals, in offering their services to defend their country against the unjust aggression of the cruel and rapacious foreign enemies we are now engaged in war with, is commendable in them as British subjects, warmly attached to their king, and to our glorious and happy constitution: but, after considering the plan suggested, they are of opinion that it is liable to such objections that they cannot give it any countenance or support: but they beg to recommend to those individuals now tendering their services for the purpose of repelling the meditated attacks of the inhuman, ferocious, and irreligious rulers of that unhappy and devoted country, France, either to make an offer of their services individually to the officers of the Perthshire Fencible Cavalry, or, if they prefer being in a corps of infantry to inlist into some of the regiments of foot now raising. They also beg to inform the individuals who have thus professed their attachment to the country, that it will be expected they will use their best endeavours, by avoiding all tumultuous meetings, to preserve good order in the town of Perth and its vicinity.

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APPENDIX B. (No. 1.)—Secretary of London Corresponding Society, to Norwich Constitutional Society.

London 17th Oct. 1793.

Fellow Citizens;—We have to acknowledge at once, your favours of the 3rd September, and 14th instant. Multiplicity of business prevented my answering your first; but will now inform you that the spirit shown in it gave great satisfaction to our society at large. The rejoicings for the capture of Valenciennes were not confined to Norwich alone. The ignorant every where else throughout the nation betrayed their imbecility on the occasion. But the taking of a town, the slaughtering of thousands of human beings, the laying waste whole provinces, or the enslaving a nation (however great evils they may be) can only retard for a small space of time the progress of truth and reason: be not disheartened, therefore—pursue your plan, instruct mankind, and constitutionally set your faces against existing abuses: be assured that many are our friends, who only wait a favourable opportunity to openly join us, while our enemies have much enfeebled themselves and their cause by their arbitrary exertions. Despotism is at its last gasp—one or two campaigns more will terminate its existence. We are glad to see that you begin to make a proper use of delegation: where bodies of men are too numerous to be convened easily on every occasion, delegation is the best, and indeed only way to obtain the general opinion. Scotland, improving on the idea, have not only summoned their own delegates, but also invite those of every other society to attend a kind of convention, which is to be held at Edinburgh on the 29th instant. The inclosed paper, which I, previous to the communicating your letter to our committee (which will meet only to-morrow) make haste to transmit to you, will show you that your society is included in the general invitation to send delegates to that meeting—which we exhort you to do, if you possibly can.—I firmly believe our society will not miss the opportunity of doing the same.—We have just published a new edition of the Englishman's Rights, or a dialogue between a barrister and a juryman, being an excellent work, published first by sir John Hawles, knight, solicitor-general to king William the third. It is a book that ought to be in the possession of every one, as it contains the rights and duties of a juryman.—Send us word if you can vend a certain number of them in your neighbourhood—we sell them only three shillings per dozen, but the retail price is four pence a-piece. I am most sincerely, my fellow citizens, and brethren in a good cause, your humble servant.

APPENDIX B. (No. 2.)—Copy of a Letter from the Secretary of the London Corresponding Society to Norwich.

London, January 11, 1794.

Fellow Citizens;—I have just received a letter from citizen Margarot, at Edinburgh, with some of the Edinburgh Gazetteers where you will see that citizen Skirving is found guilty, and sentenced for fourteen years transportation to Botany Bay. Margarot's trial comes next; he meets it with great firmness and resolution. I have no time to make my comments on the proceedings, but I think our opponents are cutting their own throats as fast as they can.—Now is the time for us to do something worthy of men. The brave defenders of liberty south of the English Channel are performing wonders, driving their enemies before them like chaff before the whirlwind. Margarot tells me, that he has not time to write to you just now, but he hopes to have time very soon, when his trial is over, and immured in a prison. The London Corresponding Society is to have a general meeting and an anniversary dinner, on Monday the 20th instant, at the Globe tavern, Strand. I have sent you some of Margarot's and Skirving's indictment, with two copies of a pamphlet on brewing—he is a member of our society, the author; if you approve of it, you may put it in practice, and be a great saving to many families, also a diminution of the revenue, for every one brewing their own beer pay no duty for it. Excuse haste. I still remain, &c. (Signed) ———

APPENDIX B. (No. 3.)—Copy of a Letter from Mr. Margarot to the Norwich United Societies.

Spithead, the 10th of March 1794.

Worthy Friends, and Fellow Citizens;—Our stay here being longer than was at first expected, I avail myself of that delay to acknowledge the receipt of twenty pounds from your society, which have been delivered to me by Thomas Hardy, our secretary, to whom you had remitted them, and who has been down here purposely to see me, and make some arrangements for the future, but whose business has called him back to London before any thing could be settled between us.—At first he seemed to think that the money was meant by you to be divided among the four who are now suffering together; but, on my acquainting him that those gentlemen were infinitely better off than myself in that respect, insomuch that they are continually receiving private presents, and are moreover supported by many noblemen and rich members of parliament, these latter seeking only (I much fear) to make a party affair of it, that he gave the money to my own disposal. If, however, you meant otherwise, your intention shall be complied with immediately on its being made known to me.—So much for pecuniary affairs.——This morning 10 ships of war have left Spithead for the Channel, and it is here reported that the Brest fleet is out: rumour, always magnifying things, says there are 70 sail of French at sea; if so, there must

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be a number of transports among them, and a descent may probably be the consequence.—For God's sake, my worthy friends, do not relax in the cause of freedom—continue as you have begun—consolidate your own societies—unite with others—persevere, and make no doubt but sooner or later your endeavours will be crowned with success. I have also to thank you for the affectionate address I received from you. Be assured that my utmost ambition will ever be to deserve your confidence and your esteem. The tide of fortune, however strongly it may run against our cause at present, must soon have a turn: the eyes of mankind will naturally open—when their pockets empty, and their blood spills, they will ask each other, for whom are we thus sacrificing ourselves, and murdering others? What advantage results to us from all this expenditure and slaughter? And by interfering in the government of another country, do we not set other nations an example to interfere with our own government, and to model it as they think proper? Should they do so, popery and despotism must be our lot—may gracious providence avert it; may we rather all to a man be determined to live free or die! In my exile nothing would afflict me so much as to hear that my country was enslaved, and that my countrymen hugged their chains. I trust however the national spirit of Britons will prevent it. Adieu, my dear friends; and ever remember your faithful M. MARGAROT.

P. S.—This day a mock debate concerning our sentence is to take place in P——.

APPENDIX C.—Extracts from the book containing the proceedings of the Constitutional Society.

At a meeting held at the secretary's, Took's-court, Chancery-lane, Friday, 23rd March 1791.—Resolved, That the thanks of this society be given to Mr. Thomas Paine, for his most masterly book, intituled "the Rights of Man," in which not only the malevolent sophistries of hireling scribblers are detected and exposed to merited ridicule, but many of the most important and beneficial political truths are stated, so irresistibly convincing as to promise the acceleration of that not very distant period when usurping borough sellers, and profligate borough buyers, shall be deprived of what they impudently dare to call their property—the choice of the representatives of the people.—The Constitutional Society cannot help expressing their satisfaction that so valuable a publication has proceeded from a member of that society; and they sincerely hope that the people of England will give that attention to the subjects discussed in Mr. Paine's treatise, which their manifest importance so justly deserve.—Resolved, That the foregoing resolutions, and all future proceedings of this society, be regularly transmitted by the secretary to all our Corresponding Constitutional Societies in England, Scotland, and France.—Resolved, That the above resolutions be published in the papers.

At a meeting, 1st April 1791.—Resolved, That the resolutions of this society, recommending Paine's book, "the Rights of Man," and published in several of the papers, be republished in the following; viz. General Evening, Morning Post, World, English Chronicle, Sherborne, Leeds, York, Bristol, Nottingham, and Birmingham.

At a meeting, 22nd July 1791.—Resolved, That the original and translation of an address communicated by the Rev. Dr. Towers, from the society at Nantz, be entered on the books of this society. [The translation is entered.]

At a meeting, 4th March 1792.—Read the following letter from the Revolution Society at Norwich, to the London Society for Constitutional Information.

The Norwich Revolution Society wishes to open a communication with you at this time, when corruption has acquired a publicity in the senate, which exacts from the honour of the British nation renewed exertions for parliamentary reform. Without prejudging the probable event of such an application to the legislature, this society is willing to circulate the information, and to co-operate in the measures that may seem best adapted to further so desirable and so important an end. The society is willing to hope the redress of every existing grievance at the hands of a government resulting from an extraordinary convocation in 1688, of all who had, at any preceding time, been elected representatives of the people, assisted by the hereditary counsellors of the nation, and a peculiar deputation from the metropolis; which national constituting assembly cashiered for misconduct a king of the house of Stuart. The opinions and principles of this society are best explained by an appeal to their literary representatives. To James Mackintosh, author of Vindiciæ Gallicæ, this society offers the tribute of its approbation and gratitude, for the knowledge, the eloquence, and philosophical spirit with which he has explained, defended, and commented on the revolution of France. It hesitates to assent to this only of his opinions, that "there are but two interests in society, those of the rich and those of the poor."—If so, what chance have the latter?

Surely the interests of all the industrious, from the richest merchant to the poorest mechanic, are in every community the same—to lessen the numbers of the unproductive, to whose maintenance they contribute, and to do away such institutions and imposts as abridge the means of maintenance, by resisting the demand for labour, or by sharing its reward: as the means most conducive to this comprehensive end, the Norwich Revolution Society desires an equitable representation of the people.

The Rights of Man, by Thomas Paine, and

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the Advice to the privileged orders, by Joel Barlow, have also been read with attention, and circulated with avidity. They point out with clearness most of the abuses which have accumulated under the British government; they attack with energy most of the prejudices which have tended to perpetuate them.

Internally, our society is thus organized:—any person proposed and seconded by a member, is received, on paying an admission fine, and obliging himself to an annual contribution towards the purchase of books for the use of the society, and for circulation among the confederated clubs. The members assemble twice, monthly. A committee of correspondence is periodically elected by ballot, to select books, and to conduct the other literary business. A committee of twelve is periodically named by acclamation, to attend severally the meetings of the various confederated clubs, which are invited in like manner to depute a member to the monthly meetings of this

The clubs are now seven in number, and more are expected to announce their adherence. The Norwich Revolution Society, proposing to extend this form of combination, recommends for admission into the London Society for Constitutional Information twelve persons.—Norwich, 26 April 1792.

At a meeting, 10th March 1792.—The chairman of the Society for Constitutional Information, established at Manchester, having communicated to this society their resolutions of thanks to Thomas Paine, for the publication of his "Second Part of the Rights of Man; combining Principle and Practice."

Bull's Head inn, Manchester, 13 March 1792.—At a meeting of the Manchester Constitutional Society, held this day, it was unanimously resolved, 1. That the thanks of this society are due to Mr. Thomas Paine, for the publication of his "Second Part of the Rights of Man, combining Principle and Practice," a work of the highest importance to every nation under heaven, but particularly to this, as containing excellent and practicable plans for an immediate and considerable reduction of the public expenditure; for the prevention of wars; for the extension of our manufactures and commerce; for the education of the young; for the comfortable support of the aged; for the better maintenance of the poor of every description; and finally, for lessening greatly, and without delay, the enormous load of taxes under which this country at present labours. 2. That this society congratulate their country at large on the influence which Mr. Paine's publications appear to have had in procuring the repeal of some oppressive taxes in the present session of parliament; and they hope that this adoption of a small part of Mr. Paine's ideas will be followed by the most strenuous exertions to accomplish a complete reform in the present inadequate state of the representation of the people; and that the other great plans of public benefit which Mr. Paine has so powerfully recommended will be speedily carried into effect.

(Signed) ———, president.
———, secretary.

Ordered, That the secretary return to the chairman of the Society at Manchester the thanks of this society, for his communication; at the same time assuring him that this society does heartily concur in the above resolution.—Resolved, That the above resolutions be published in the papers.

At a meeting, 23rd March 1792.—Resolved, That the following be published in the Morning Chronicle, World, Post, Times, Argus, English Chronicle, and General Evening.

"Society for Constitutional Information, London, March 23rd 1792. This society having received the following and other communications from Sheffield;" viz.

Sheffield Society for Constitutional Information [14 March 1792.]

This society, composed chiefly of the manufacturers of Sheffield, began about four months ago, and is already increased to nearly two thousand members, and is daily increasing, exclusive of the adjacent towns and villages, who are forming themselves into similar societies.

Considering, as we do, that the want of knowledge and information in the general mass of the people has exposed them to numberless impositions and abuses, the exertions of this society are directed to the acquirement of useful knowledge, and to spread the same as far as our endeavours and abilities can extend.

We declare that we have derived more true knowledge from the two works of Mr. Thomas Paine, intituled "Rights of Man," Part the First and Second, than from any other author or subject. The practice as well as the principle of government is laid down in those works, in a manner so clear, and irresistibly convincing, that this society do hereby resolve to give their thanks to Mr. Paine for his two said publications, intituled "Rights of Man," Parts 1st and 2d Also,

Resolved unanimously, 1. That the thanks of this society be given to Mr. Paine, for the affectionate concern he has shown, in his second work in behalf of the poor, the infant, and the aged; who, notwithstanding the opulence which blesses other parts of the community, are, by the grievous weight of taxes, rendered the miserable victims of poverty and wretchedness. 2. That this society, disdaining to be considered either of a ministerial or opposition party (names of which we are tired, having been so often deceived by both) do ardently recommend it to all their fellow citizens, into whose hands these resolutions may come, to confer seriously and calmly with each other on the subject alluded to, and to manifest to the world that the

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spirit of true liberty is a spirit of order; and that to obtain justice it is consistent that we be just ourselves. 3. That these resolutions be printed, and that a copy thereof be transmitted to the Society for Constitutional Information in London; requesting their approbation for twelve of our friends to be entered into their society, for the purpose of establishing a connexion and a regular communication with that, and all other similar societies in the kingdom.—By order of the committee.

(Signed) ————, chairman.

"Ordered, That the secretary do return the thanks of this society to the Society for Constitutional Information established at Sheffield; and that he express to them with what friendship and affection this society embraces them as brothers and fellow-labourers in the same cause. That he do assure them of our entire concurrence with their opinion, viz. That the people of this country are not, as Mr. Burke terms them, Swine; but rational beings, better qualified to separate truth from error than himself, possessing more honesty, and less craft.—Resolved, That this society will, on Friday next, March 31st, ballot for the twelve associated members, recommended by the Sheffield Committee, and approved at this meeting."

(Signed) ————, chairman.

At a meeting, 30th March 1792.—The twelve gentlemen recommended by the Sheffield Society, were unanimously elected.

Read a letter, with enclosed Resolutions, from the Secretary to the Corresponding Society, London.

"*London Corresponding Society.*

"Resolved, 1. That every individual has a right to share in the government of that society of which he is a member, unless incapacitated. 2. That nothing but non-age, a privation of reason, or an offence against the general rules of society can incapacitate him. 3. That it is no less the right than the duty of every citizen to keep a watchful eye on the government of this country, that the laws by being multiplied do not degenerate into oppression; and that those who are intrusted with the government, do not substitute private interest for public advantage. 4. That the people of Great Britain are not properly represented in parliament. 5. That in consequence of a partial, unequal, and inadequate representation, together with the corrupt method in which representatives are elected, oppressive taxes, unjust laws, restrictions of liberty, and wasting of the public money, have ensued. 6. That the only remedy to those evils is a fair and impartial representation of the people in parliament. 7. That a fair and impartial representation can never take place until partial privileges are abolished; and the strong temptations held out to electors affords a presumptive proof that the reprsentatives of this country seldom procure a seat in parliament from the unbought suffrages of a free people. 8. That this society do express their abhorrence of tumult and violence; and that, as they aim at reform, not anarchy, reason, firmness, and unanimity be the only arms they employ, or persuade their fellow citizens to exert against abuse of power.

"Ordered, That the secretary of this society do communicate the aforegoing to the societies for Constitutional Information established in London, Manchester, and Sheffield.—By order of the committee.

(Signed) ————, secretary."

"Resolved, That the secretary of this society do express to the Corresponding Society the extreme satisfaction which we have received by the above communication; and to assure them of our desire to continue to correspond and co-operate with them for the purpose of obtaining a fair representation of the people in parliament."

At a meeting, 20th April 1792.—A declaration from a society in Southwark was read; and, Resolved, That the thanks of the society be given to the Southwark Society, for the following communication, and that it be published in the papers.

At a meeting at the Three Tuns Tavern, Southwark, April 19th 1792.—Resolved, 1. That we do now form ourselves into a society for the Diffusion of Political Knowledge. 2. That the society be denominated the Friends of the People. 3. That the following be the declarations of this society.

Extract from Declaration.

Considering that ignorance, forgetfulness, or contempt of the rights of men, are the sole causes of public grievances, and the corruption of government, this society, formed for the purpose of investigating and asserting those rights, and of uniting our efforts with others of our fellow citizens for correcting national abuses, and restraining unnecessary and exorbitant taxation, do hereby declare—1. That the great end of civil society is general happiness. 2. That no form of government is good any further than it secures that object. 3. That all civil and political authority is derived from the people. 4. That equal active citizenship is the unalienable right of all men; minors, criminals, and insane persons excepted. 5. That the exercise of that right, in appointing an adequate representative government, is the wisest device of human policy, and the only security of national freedom.

Further Extract from same Paper.

We call upon our fellow citizens of all descriptions to institute similar societies for the same great purpose; and we recommend a general correspondence with each other, and with the Society for Constitutional Information at London, as the best means of cement-

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ing the common union, and of directing with greater energy our united efforts to the same common objects.—By order of the committee.

(Signed) ————

At a meeting, 27th April 1792.—Resolved, That every society desiring an union or correspondence with this, and which doth not profess any principles destructive to truth or justice, or subversive to the liberties of our country; but which on the contrary seeks, as we do, the removal of corruption from the legislature, and abuses from the government, ought to be, and we hope will be embraced with the most brotherly affection and patriotic friendship by this society.

Read the following letter, addressed to the society called the Friends of the People associated for Constitutional reform, assembled at Free Masons Tavern.

Sir;—By the society for Constitutional Information I am commanded to express to you the satisfaction that its members feel on the institution of your society. That the House of Commons itself, which is the very subject to be reformed, should have furnished a part of this strength, may ultimately afford important advantages to the public. But it must not, sir, be disguised, that at first this circumstance will necessarily be accompanied with doubts, with suspicions, with apprehensions. It is not, sir, the first time that numbers of that House have professed themselves reformers: it is not the first time that they have entered into popular associations. But should they, on this occasion, prove faithfully instrumental in effecting a substantial reform in the representation of the people, and the duration of parliaments, it will be the first time that the nation hath not found itself in an error, when it placed confidence in associated members of parliament, for the recoveries of the constitutional and inestimable rights of the people. The long lost rights of representation, are rights, sir, which in truth are not to be recovered but by the exertions and the unanimity of the people themselves. Impressed with this great truth, it has been an invariable object of this society "to revive in the minds of the commonalty at large a knowledge of their lost rights, respecting the election and duration of the representative body"—and we doubt not that your society will see the wisdom of pursuing a like course. May it taste the delight of diffusing this knowledge; may it reap the honour of calling forth the energies of the nation.

When this society, sir, contemplates that flood of light and truth which, under a benign Providence, is now sweeping from the earth despotism in all its forms, and infringement of rights in all its degrees, to make way for freedom, justice, peace, and human happiness; and when it sees your society announce itself to the world as the Friends of the People; it rests assured that this new institution abundantly partakes of that light, that it embraces that truth, and it will act up to the sacredness of that friendship which it professes, by nobly casting from it with disdain, all aristocratic reserves, and fairly and honestly contending for the people's rights in their full extent.

Here, sir, be assured, lies all your strength. You may boast of names, of wealth, of talents, and even of principles; but without the fellowship of the people, understanding and feeling their immediate interest in the contest, your association, whenever it grapples with that powerful despotism to which it is opposed, and to which a constitutional cloak gives double strength, will most assuredly crumble to dust.

Here, sir, it is with peculiar satisfaction that the Society for Constitutional Information can express its belief, that to its own unequivocal "declaration of rights, without which no Englishman can be a free man, nor the English nation free people," it owes that confidence, on the part of all true friends to a substantial reform of parliament, which, in all periods of the society's existence it has invariably experienced.

This short declaration, containing no more than four distinct propositions, satisfied the people that the society assumed not the office of reformer without knowing with precision what wanted reform; nor the character of friend, without manifesting that sincerity which gave proof of its attachment. It left to such reformers as Mr. Burke to talk of the people's liberties, and at the same time to deny or explain away their rights.

This society, sir, trusts that the purity of principle which actuated individual members of parliament, who joined the associations that have been spoken of, will in no degree be affected by the observations that have been made upon the insufficiency of those associations. But, convinced that a strong impression still remains upon the minds of the people, that in general persons who have long been accustomed to hold seats in the House of Commons under the present abuses in the representation, and whose connexions are all aristocratic, must be almost more than men, at once and completely to sacrifice both prejudice and unwarranted power at the altar of freedom;—this society, convinced, I say, sir, of the existence of this impression, would not suffer its delicacy to stand in the way of its duty on this important occasion; but determined, with the frankness belonging to sincere affection, to warn its new brethren against a danger to which they might otherwise become exposed through mere inadvertency.

That the distinguished persons who have adorned the senate, and now adorn your society, may be found equal to the sublime efforts of virtue which their situation now demands, and may on that account receive the blessings of their country and of mankind to the latest posterity, is the sincere, the ardent

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wish of the Society for Constitutional Information! In whose name I have the honour to subscribe myself, with great regard, &c.

Resolved, That the said letter be signed by the chairman of this meeting, and sent to the said society at their next general meeting.

At a meeting, 4th May 1792.—Read letter from the Revolution Societies at Norwich, as follows:

To the London Society for Constitutional Information.

The Norwich Revolution Society wishes to open a communication with you at this time, when corruption has acquired a publicity in the senate, which exacts from the honour of the British nation renewed exertions for parliamentary reform. Without prejudging the probable event of such an application to the legislature, this society is willing to circulate the information, and to co-operate in the measures that may seem best adapted to further so desirable and so important an end. It is willing to hope the redress of every existing grievance at the hands of a government resulting from an extraordinary convocation, in 1688, of all who had at any preceding time been elected representatives of the people, assisted by the hereditary counsellors of the nation, and a peculiar deputation from the metropolis, which national constituting assembly cashiered for misconduct a king of the House of Stuart.

The opinions and principles of this society are best explained by an appeal to their literary representatives. To James Mackintosh, author of the Vindiciæ Gallicæ, this society offers the tribute of its approbation and gratitude, for the knowledge, the eloquence, and philosophical spirit with which he has explained, defended, and commended the revolution of France It hesitates to assent to this only of his opinions, that "there are but two interests in society, those of the rich and those of the poor." If so, what chance have the latter? Surely the interests of all the industrious, from the richest merchant to the poorest mechanic, are in every community the same—to lessen the numbers of the unproductive, to whose maintenance they contribute, and to do away such institutions and imposts as abridge the means of maintenance, by resisting the demand for labour, or by sharing its reward: as the means most conducive to this comprehensive end, the Norwich Revolution Society desires an equitable representation of the people.

The Rights of Man, by Thomas Paine, and the Address to the Privileged Orders, by Joel Barlow, have also been read with attention, and circulated with avidity. They point out with clearness most of the abuses which have accumulated under the British government; they attack with energy most of the prejudices which have tended to perpetuate them.

Internally, our society is thus organized:—Any person proposed and seconded by a member, is received, on paying an admission fine, and obliging himself to an annual contribution toward the purchase of books for the use of the society, and for circulation among the confederated clubs The members assemble twice, monthly. A committee of correspondence is periodically elected by ballot, to select books, and to conduct the other literary business. A committee of twelve is periodically named by acclamation to attend severally the meetings of the various confederated clubs, which are invited in like manner to depute a member to the monthly meetings of this: these clubs are now seven in number; and more are expected to announce their adherence. The Norwich Revolution Society, proposing to extend this form of combination, recommends for admission into the London Society for Constitutional Information the following twelve persons:—

Norwich, April 16th 1792. ——— chairman.

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At a meeting, 11th May 1792.—Resolved, That there be a communication from this society with the Society of the Friends of the Constitution at Paris, known by the name of the Jacobins.—Read the following address from this Society to the Society of Friends of the Constitution at Paris, called The Jacobins.

Address.

Brothers, and Fellow Citizens of the world;—The cordial and affectionate reception with which you have honoured our worthy countrymen Mr. Thomas Cooper and Mr. James Watt, members of the society of Manchester, and united with our society, has been communicated to us by the correspondence of those gentlemen.

In offering you our congratulations on the glorious revolution which your nation has accomplished, we speak a language which only sincerity can dictate.

The formality of Courts affords no example to us. To do our thoughts justice, we give to the heart the liberty it delights in, and hail you as brothers.

It is not among the least of the revolutions which time is unfolding to an astonished world, that two nations, nursed by some wretched craft in reciprocal hatred, should so suddenly break their common odious chain, and rush into amity.

The principle that can produce such an effect, is the offspring of no earthly court; and whilst it exhibits to us the expensive ini-

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quity of former politics, it enables us, with bold felicity, to say, we have done with them!

In contemplating the political condition of nations, we cannot conceive a more diabolical system of government, than that which has hitherto been generally practised over the world: to feed the avarice and gratify the wickedness of ambition, the fraternity of the human race has been destroyed; as if the several nations of the earth had been created by rival gods. Man has not considered man as the work of one creator.

The political institutions under which he has lived, have been counter to whatever religion he professed.

Instead of that universal benevolence which the morality of every known religion declares, he has been politically bred to consider his species as his natural enemy, and to describe virtues and vices by a geographical chart.

The principles we now declare are not peculiar to the society that addresses you; they are extending themselves, with accumulating force, through every part of our country, and derive strength from an union of causes, which no other principles admit.

The religious friend of man, of every denomination, records them as his own; they animate the lover of rational liberty; and they cherish the heart of the poor, now bending under an oppression of taxes, by a prospect of relief.

We have against us only that same enemy which is the enemy of justice in all countries —a herd of courtiers fattening on the spoil of the public.

It would have given an additional triumph to our congratulations, if the equal rights of man (which are the foundation of your declaration of rights) had been recognized by the governments around you, and tranquilly established in all: but if despotisms be still reserved to exhibit, by conspiracy and combination, a further example of infamy to future ages, that power that disposes of events best knows the means of making that example finally beneficial to his creatures.

We have beheld your peaceable principles insulted by despotic ignorance: we have seen the right hand of fellowship, which you hold out to the world, rejected by those who riot on its plunder: we now behold you a nation provoked into defence; and we can see no mode of defence equal to that of establishing the general freedom of Europe.

In this best of causes we wish you success. Our hearts go with you; and in saying this, we believe we utter the voice of millions.

Resolved, 1. That the above address be signed by the chairman, and that ——— be requested to transmit it, with all possible dispatch, to ——— at Paris. 2. That the said address be read a second time at the next meeting, for publication. 3. That a committee be appointed to meet the committees of the Southwark, London, and Westminster Societies of the Friends of the People, to-morrow evening, at seven o'clock, at the White Hart tavern in Holborn, and be empowered to co-operate with them in the publication of the four resolutions contained in the declaration heretofore published by this society.

At a meeting, 18th May 1792.—The address to the Jacobins ordered to be published. —Read the following letter from Mr. Paine, acquainting the society that he is proceeding to bring out a cheap edition of the First and Second Parts of the Rights of Man.—Resolved, That this society will contribute its utmost aid towards supporting the rights of the nation.

London, May 18th, 1792.

Sir;—The honourable patronage which the Society for Constitutional-Information has repeatedly given to the works, intituled "Rights of Man," renders it incumbent on me to communicate to them whatever relates to the progress of those works. A great number of letters, from various parts of the country, have come to me, expressing an earnest desire that the first and second parts of "Rights of Man" could be rendered more generally useful, by printing them in a cheaper manner than they have hitherto been: as those requests were from persons to whom the purchase at the present price was inconvenient, I took the proper means for complying with their request.—I am since informed that the ministry intend bringing a prosecution; and as a nation (as well the poor as the rich) has a right to know what any works are that are made the subject of a prosecution, the getting out a cheap edition is, I conceive, rendered more necessary than before, as a means towards supporting that right;—and I have the pleasure of informing the society that I am proceeding with the work.—I am, &c.

THOMAS PAINE.

To the Chairman of the Society for Constitutional Information.

The society took into consideration the contents of the aforesaid letter, and came to the following resolutions:—1. That the thanks of this society be given to Mr. Thomas Paine, for the communication he has made, and for the patriotic disinterestedness manifested therein.—2. That this society will contribute its utmost aid towards supporting the rights of the nation, and the freedom of the press, and him who has so essentially and successfully contributed to both.—3. That the right of investigating principles and systems of government is one of these rights; and that the works of any author, which cannot be refuted by reason, cannot, on the principles of good government or of common sense, be made the subject of a prosecution.—4. That the excessive taxes which this country pays, being now seventeen millions annually, give an additional motive for the exercise of this right, and render it at the same time a more immediate duty the nation owes to itself, to enter upon and promote all such investiga

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tions.—5. That a committee be appointed to enquire into the rumour of the above-mentioned prosecution; and to report thereon to the society at its next meeting.—6. That a copy of Mr. Paine's letter, together with these resolutions, be transmitted to all the associated societies in town and country; and that this society do congratulate them on the firm and orderly spirit, and tranquil perseverance, manifested in all their proceedings, and exhort them to a steady continuance therein.—7. That 3,000 copies of the above letter and resolutions be printed for the use of this society.

At a meeting, 25th May, 1792.—Resolved, That 6,000 more copies of the bills directed at the last meeting be printed: That 100 be sent to each of the twelve associated members of the Sheffield Constitutional Societies; 100 to each of the twelve associated members of the Norwich Constitutional Society; 200 to each of the other societies corresponding with this society; 200 to Derby; and 200 to the society at Belpar.

Read a paper, called a proclamation, dated the 21st instant, for suppressing seditious publications.

The society came to several resolutions on this proclamation; the last of which is, that the monstrous enormity and grievance of the present national debt; The grievous oppression of seventeen millions annually of taxes; The scandalous duration of parliaments for seven years; Private proprietors of boroughs, falsely pretending to be, and really acting as, representatives of the People; Judges claiming in all cases, and under all circumstances, the determination of the criminality or innocence of any act, exclusively of the jury; expensive armaments, and menacing proclamations and encampments in time of a profound peace: These things we cannot believe either wise or wholesome; and we declare it to be a fatal omission, at the time of the revolution, that these things were not sufficiently guarded against; and we feel it our duty, to the utmost of our power to obtain a full and fair representation of the people, which we hold to be the only effectual security for their rights, liberties, and property, and to be the only measure that can produce "that due submission to the laws, and that just confidence in the integrity and wisdom of parliament," which are declared in the said paper, called a proclamation, to be "the chief causes (under providence of the wealth, the happiness, and the prosperity of the kingdom."

Read a communication from the London Corresponding Society, as follows:—

Sir;—By direction of the delegates of the London Corresponding Society, I have the honour of enclosing to you a copy of their address and regulations, which I request you will communicate to the Constitutional Society.—I am truly, sir, &c.

Bell, Exeter-street,
May 24th, 1792. —— ——'s secretary.
To the Chairman of the
Constitutional Society.

Resolved, That the thanks of this society be returned to the London Corresponding Society, for the communication which it has made to this society; and that the further consideration of the said communication be postponed to the next meeting of this society.

At a meeting, 1st June 1792.—The secretary reported that he had sent 1,200 of the printed bills ordered at the last meeting to the Sheffield Constitutional Society; 1,200 to the Norwich Constitutional Society; to the Southwark Constitutional Society 200; to the London Corresponding Society 200; to a person to be forwarded to Derby 200: to the Constitutional Whigs 200; to the society at Belpar 200.—Resolved, That the secretary do send to Birmingham 600; to the society at Aldgate 200; to Manchester 1,200;—to Liverpool 200; to Cambridge 500;—and 400 to [a person] to be distributed among the societies in the neighbourhood of Glasgow.

Read a letter from the Corresponding Society as follows:

31st May 1792.

Sir;—The London Corresponding Society return thanks to the Society for Constitutional Information for the communication of Mr. Thomas Paine's letter to them, and of their resolutions subsequent thereto. It gives us, infinite satisfaction to think that mankind will soon reap the advantage of Mr. Paine's labours in a new and cheaper edition of the Rights of Man. We are, however, no ways surprised at the report of a prosecution being commenced against his works, for, by the doctrine substituted for law in England, that truth constitutes the libel, the very many truths in both volumes of the Rights of Man render them completely libellous, and force administration, perhaps against their inclination, to submit them to the impartial investigation of competent judges.—His majesty's proclamation next engages our notice;—after reading it with great attention, we discard an idea thrown out by some, that it had been drawn up and sent forth at this juncture with a view of raising unfavourable prejudices in the minds of the people against Mr. Paine, or his works, now under a prosecution, inasmuch as such an attempt, if it could be proved, would not only bear malice on the face of it, but would likewise be a most daring violation of the laws.—We are more willing to discover therein his majesty's great goodness of heart and paternal care, anticipating our warmest wishes; giving the greatest encouragement to our different societies, and holding forth the same strong desire with us of abiding by the constitution in its pure and uncorrupt state, of securing the public peace and prosperity, of preserving to all, the full enjoyment of their rights and liberties, both religious and civil; and seeming in fact to encourage them under the most serious consideration of their own welfare and that of their posterity to join us, and unite their endeavours with ours in guarding against all at-

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tempts, aiming at the subversion of wholesome and regular government, and to discourage and repress, to the utmost of their power, all proceedings tending to produce riots and tumults.—Our ends being thus uncontrovertibly the same, and thereby enjoying the royal sanction, we imagine that in exercising our right of meeting, when and where we please, of canvassing such subjects as we think proper, of instructing our fellow citizens, and of uniting our endeavours to obtain a perfect representation in parliament, we are taking the truest method of securing to ourselves and our posterity all the blessings of liberty and peace. Yielding to the Society for Constitutional Information, both in priority of institution, and in greatness of abilities, we yet put in our claim for equality of zeal towards the public good, and firm determination to obtain it. We are, &c.

————chairman,
————secretary.

To the chairman of the society for Constitutional Information.

Ordered, That the said letter be published in such news-papers as will receive the advertisements of this society.

Resolved, That an open committee do take into consideration Paine's letter, and have power to transmit copies to the different Corresponding Societies:—6,000 copies of the resolutions relative to the proclamation to be printed, and sent to the different Corresponding Societies.

At a meeting, 15th June 1792.—Read letter from the London Corresponding Society, stating, that they had opened a subscription for the defence of Mr. Paine, and that they wished six of their members might be associated with this society.—Ordered, that the secretary be desired to inform the secretary of the London Corresponding Society, that this society receive their proposal with pleasure; and are willing to admit such six of the members whom they shall nominate to be asssociated members of this society.—Resolved, that a subscription be opened in this society, for the benefit of Mr. Thomas Paine, author of the Rights of Man.—Ordered, That the letter of the London Corresponding Society, and the two last resolutions, be published in the newspapers.—Resolved, That 12,000 copies of Mr. Paine's letter to Mr. Secretary Dundas, be printed by this society for the purpose of being transmitted to our correspondents throughout Great Britain; and that a committee be appointed to direct the same.

At a meeting, 22d June 1792.—A member reported that an information was filed against Mr. Paine, for his publication of the Rights of Man.—Ordered, That the subscription entered into for the benefit of Mr. Thomas Paine, be entered in a separate part of the book, and kept open for the members of this society.

At a meeting, 29th June 1792.—The committee report a plan of distribution of the 12,000 copies of Mr. Paine's letter to Mr. Dundas; which is adopted.

At a meeting, 6th July 1792.—Read letter from the secretary to the London Corresponding Society,

Sir;—In the name of the London Corresponding Society, I have to return thanks to the society for Constitutional Information for their present of 200 copies of their resolutions respecting the king's proclamation, as also for the 200 copies of Mr. Paine's letter, &c.—Likewise Mr. Paine's letter to Mr. Secretary Dundas;—by care in the distribution of them those 600 papers shall be seen by as many thousand persons.—We find ourselves highly favoured by your readiness to admit six of our members among you; I am directed to forward to you the following six names as the persons chosen by our society for that honourable purpose; our sense of the favour so conferred will be best expressed by their close attendance at your instructive meetings, and constant endeavours to forward the so beneficial and so much wanted reform of parliamentary representation. I am, sir, &c.

July 6, 1792. ————secretary.

A deputation from the Friends of the People in Southwark, on the subject of the dinner of 14th July attended. On a motion to dine with them, the previous question, put and carried.

At a meeting, 13th July 1792.—The six gentlemen recommended by the London Corresponding Society, unanimously elected,—The society to dine at the Shakespeare the 14th of July

At a meeting, 28th September 1792.—Read a letter from the London Corresponding Society, to the secretary.

Sir;—The London Corresponding Society having taken the resolution of transmitting to the French National Convention an address (signed by all the members, or by the different delegates, each stating for how many members he signs) to assure that suffering nation that we sympathise with them in their misfortunes—that we view their exertions with admiration—that we wish to give them all such countenance and support as individuals unsupported and oppressed themselves can afford—and that should those in power here dare (in violation of the nation's pledged faith of neutrality and in opposition to the well-known sentiments of the people at large) to join the German band of despots united against liberty, we disclaim all concurrence therein, and will, to a man, exert every justifiable means for counteracting their machinations against the freedom and the happiness of mankind. I am ordered by the committee to acquaint the society for Constitutional Information therewith, in order to be favoured with there opinion thereon, and in hopes that if they approve the idea, and recommend its adoption to the different societies, the publication of such a respectable number of real

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names will greatly check the hostile measures which might otherwise be put in execution. I am, with great respect, dear sir, &c

London, ———, secretary.
21 Sept. 1792.

Resolved, 1. That the secretary express the thanks of this society to the London Corresponding Society, for their communication and acquaint them that this society do very highly approve of their intention. 2. That the said letter be read at the next meeting, for the purpose of considering of publishing the same.

At a meeting, 5th October 1792.—Resolved That the letter from the Corresponding Society entered on the minutes of the last meeting, together with the resolution of the society thereon, be published in the newspapers. —Read a letter from the Constitutional Whigs independent, and Friends of the People, accompanied with fifty copies of a letter transmitted to them from the Friends of Freedom at Cherbourg.—Ordered. That the secretary return the thanks of this society to the Constitutional Whigs, for their communication.

At a meeting 12th October 1792.—Read Mr. Barlow's letter to the National Convention of France) on the defects of the constitution of 1791, and the extent of the amendments which ought to be applied.—Resolved, That ——— be requested to draw up an answer to the letter of Mr Barlow, read at the last meeting, expressing how much pride this society feel at having elected him an honorary member.—Ordered, That the secretary be directed to transmit a copy of the Argus of to-morrow to each of the members of this society.

Read a letter from the London Corresponding Society, with an inclosed Address to the National Convention of France.

Sir:—Your favour of the 3rd instant, informing us that our proposal for addressing the French National Convention had met with the approbation of the society for Constitutional Information; we have enclosed you a copy of the address we have drawn up and mean to send, the society at large having approved of it. Not in the least presuming to propose it for the adoption of your society, ourselves will joyfully throw it aside, and as readily subscribe to any production of yours better calculated to answer the purpose, and less unworthy being presented to so august an assembly.—Should no other be produced, we imagine this plain but honest address will be adopted by some other societies, in concurrence with our own, and, respecting the manner of signing, of conveying, and of presenting it, your better experienced advice will greatly oblige, gentlemen, your very humble servant, for the committee of the London Corresponding Society,

MAURICE MARGAROT, Chairman.

Thursday ———, secretary.
11th October, 1792.

Frenchmen;—While foreign robbers are ravaging your territories under the specious pretext of justice, cruelty and desolation leading on their van, perfidy with treachery bringing up their rear, yet mercy and friendship impudently held forth to the world as the sole motives of their incursions, the oppressed part of mankind, forgetting for a while their own sufferings, feel only for yours, and with an anxious eye watch the event, fervently supplicating the Almighty ruler of the universe to be favourable to your cause, so intimately blended with their own. Frowned upon by an oppressive system of control, whose gradual but continued encroachments have deprived this nation of nearly all its boasted liberty, and brought us almost to that abject state of slavery from which you have so emerged, five thousand British citizens, indignant, manfully step forth to rescue their country from the opprobium brought upon it by the supine conduct of those in power; they conceive it to be the duty of Britons to countenance assist, to the utmost of their power, the champions of human happiness, and to swear to a nation proceeding on the plan you have adopted, an inviolable friendship; sacred from this day be that friendship between us, and may vengeance to the uttermost overtake the man who, hereafter, shall attempt to cause a rupture.

Though we appear so few at present, be assured, Frenchmen, that our number increases daily. It is true, that the stern uplifted arm of authority at present keeps back the timid; that busily circulated impostures hourly mislead the credulous; and that court intimacy with avowed French traitors has some effect on the unwary and on the ambitious; but with certainty we can inform you, friends and freemen, that information makes a rapid progress among us; curiosity has taken possession of the public mind; the conjoint reign of ignorance and despotism passes away; men now ask each other what is freedom, what are our rights? Frenchmen, you are already free, and Britons are preparing to become so. Casting far from us the criminal prejudices artfully inculcated by evil-minded men and wily courtiers, we, instead of our natural enemies, at length discover in Frenchmen our fellow citizens of the world, and our brethren by the same heavenly father, who created us for the purpose of loving and mutually assisting each other, but not to hate, and to be ever ready to cut each other's throats at the command of weak and ambitious kings and corrupt ministers: seeking our real enemies, we find them in our bosoms, we feel ourselves inwardly torn by, and ever the victims of a restless and all-consuming aristocracy, hitherto the bane of every nation under the sun. Wisely have you acted in expelling it from France.

Warm as our wishes are for your success, eager as we are to behold freedom triumphant, and man every where restored to the enjoy-

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ment of his just rights, a sense of our duty as orderly citizens forbids our flying in arms to your assistance; our government has pledged the national faith to remain neutral—in a struggle of liberty against despotism Britons remain neutral! O shame! but we have entrusted our king with discretionary powers, we therefore must obey, our hands are bound, but our hearts are free, and they are with you.

Let German despots act as they please, we shall rejoice at their fall, compassionating however their enslaved subjects. We hope this tyranny of their masters will prove the means of re-instating, in the full enjoyment of their rights and liberties, millions of our fellow creatures.

With unconcern, therefore, we view the elector of Hanover join his troops to traitors and robbers; but the king of Great Britain will do well to remember that this country is not Hanover—should he forget this distinction we will not.

While you enjoy the envied glory of being the unaided defenders of freedom, we fondly anticipate in idea, the numerous blessings mankind will enjoy. If you succeed as we ardently wish, the triple alliance (not of crowns, but) of the people of America, France, and Britain, will give freedom to Europe, and peace to the whole world. Dear friends, you combat for the advantage of the human race—how well purchased will be, though at the expense of much blood, the glorious unprecedented privilege of saying mankind is free—tyrants and tyranny are no more—peace reigns on the earth, and this is the work of Frenchmen.

Resolved, That the thanks of this society be given to the London Corresponding Society for the above address, transmitted by them; and that the secretary acquaint them this society do highly approve of the spirit of the same.

At a meeting 19th October, 1792, an answer to Joel Barlow, prepared by ——— was produced, read, approved, and, with his letter, ordered to be published.—A committee appointed to confer with the delegates of the London Corresponding Society, on an address to the national convention of France.

At a meeting 26th October, 1792, the secretary read the report of the committee appointed at the last meeting.

Resolved, 1. That it is the opinion of this committee, the purpose of the address drawn up by the London Corresponding Society will be much better answered by separate addresses from the different societies, than by one joint address. 2. That the committee, for that reason, do not recommend a concurrence with the London Corresponding Society, in the presentation of a joint address. 3. That the committee, warmly approving the principles and spirit of the address from the London Corresponding Society, recommend the society to follow so laudable an example.

4. That it is the opinion of this committee, that the thanks of the society are due to the gentlemen delegates from the London Corresponding Society for their punctual attendance, and for the able and candid manner in which they assisted in discussing the subject of the conference.

Read a letter, with its enclosure, from the editor of the Patriot, at Sheffield.

The letter itself complains of the Constitutional Society for not answering a former letter, and encloses a letter from the editor to a society at Stockport, which society the writer, recommends to the attention and protection of the Constitutional Society. The following are extracts from the inclosure:

It only remains then for us, seeing the great and innumerable difficulties we have to encounter, to cast about for the most likely and proper means and weapons by which to defend ourselves, and to forward and support such measures as it may be necessary to pursue; and on this head, my good sir, permit me to impress it on the minds of your society, that reason, imperial reason, must ever be our generalissimo or commander in chief: when I say this, I beg leave to add, that art must be second in command. By the word "art" I do not mean low craft or cunning, but that mode of application of our reason and arguments on different men and on different occasions, which only a considerable degree of study, and practical knowledge also of men and manners, can ever furnish us with, so as to make us proficients.

Allow me then to observe to you, sir, that I perfectly coincide with you in opinion with regard to the different societies appointing delegates to go into the different villages and country places for the purpose of informing their minds, and rousing them from the lethargy in which they seem plunged—I have already communicated the same idea to the London Constitutional and Corresponding Societies, and to those of Norwich and Manchester, and I hope it will soon be universally adopted by every one. But the grand object to be attended to on this head is the choice of men to be appointed; a neglect of this kind had like to have had very awkward consequences in this neighbourhood, and if not immediately checked would have injured the cause of freedom very greatly; infinite care and circumspection will therefore be necessary on this head.

As I am on the subject, permit me to suggest to those members of your society who may undertake this arduous but honourable and praise-worthy task, that they cannot be too cautious in their mode of proceeding—The minds of men, for the wisest and best purposes, are formed by the great Creator as various and unlike each other as their faces, and their passions reign over each with the same uncertain and variegated sway; and in the same manner that sir Robert Walpole (one of the elders and fathers of corruption)

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very justly observed that every man has his price in the way of being bought, so we may fairly apply the same maxim to mankind in general in the article of persuasion, and the dexterous method of bringing them from wrong opinions they may have formed, or prejudices they may have imbibed, by an attentive observation of their intellectual faculties, and that leading passion of the soul which governs the main spring of their most material actions.

For example, the generality of farmers in this county and Lancashire are as ignorant as the brutes they ride to market, and so absorbed in the sordid idea of getting, that provided they can keep up the prices of grain, cattle, &c. so as to answer their landlords, and pay their taxes, however enormous, they are too sluggish and indolent to think about reforms, or any thing of the kind; yet there is one string about their hearts, which, being skilfully touched, will make them dance to any tune, and move to any measure. This is the subject of tythes; and why does it touch them? why, sir, because it is within the scope of their limited capacity—ignorant as they are in other matters, they see and pungently feel the weight of this baneful and unjust devourer of all their improvements in agriculture and husbandry; and, I believe, did every tax operate in the same visible degree which this imposition does, I fear there would be an end to the idea of taxation being submitted to at all. Indeed, as taxes are laid on at present by those who do not represent us, the taxation is neither more nor less than robbery, a submission to it, slavery.

But to return to my subject: In the same manner that a farmer may be roused by the mention of tythes, the shoemakers may by the excessive dearness of leather, the inn-keeper by the numerous and unnecessary standing army, and all by a temperate and dispassionate relation of the immense number of sinecure places and useless offices, in which the corrupt and prostitute favourites, agents, and dependants of the rich and great riot in the spoils and plunder wrested from the sweat of the brow, and continual labour of body, of the husbandman, the mechanic, the labourer, and the artificer. It is by no means a difficult matter to raise general indignation at the idea of so small a comparative number of useless, idle, and profligate drones sucking and squandering away the honey produced by such immense numbers of hard toiling and industrious bees. If you (for I am certain you will be one of the most active of these delegates) meet with men who have violent prejudices in favour of any abuse or party, never attack those prejudices directly, for that will only enflame and confirm them the more; pass them over for the present, and engage their attention towards something else, in which they will listen with a less degree of apprehension of being attacked in a favourite point; once gain their good opinion, and open their eyes to one evil, they will be more ready to hear you on others, till at last the favoured object by which their eyes were jaundiced will appear in its true colours, and fall before your arguments like all the rest.

There is one thing above all others which requires to be particularly attended to, and that is, to endeavour to undeceive the mass of people with respect to those falsehoods which have been industriously propagated by the enemies to a reform, in order to blind, delude, and terrify all ranks of people who are any way independent, or possessed of property. One of these falsehoods is "that the advocates of reform wish to introduce a levelling scheme, or an equal partition of property." This alarms the farmers, and indeed all classes of men, who by their industry, or other adventitious circumstances, are possessed of the goods of this world. So many vile ministerial prints as have propagated this doctrine, aided and assisted by the private representations, or rather misrepresentations, of the clergy, and other tools of government, and of privileged orders, have had a very wonderful and baneful effect on the multitude, and have stamped a dread of reform on the minds of many that I know, whose situations in life would induce one reasonably to suppose it impossible so completely to impose upon them; however, it always has been the case, that falsehoods boldly uttered may prevail for a time, but must be overwhelmed in the end by the bright and sacred energies of truth.

To explain this matter, and many others, properly, will require great coolness, moderation, and patience. I have found the following method answer best: "Do you know such a gentleman?" naming some one of large property and good character in the neighbourhood, who is known to be a friend to a reform. "Yes."—"Well, and do you suppose that he would promote a scheme that would occasion and oblige him to part with that property he possesses, in order for it to be divided amongst strangers whom he never saw or heard of?" "No."—"Why then should you suffer yourself to be imposed on by such an idle tale, fabricated and circulated for the purpose of raising a dread in you against those more enlightened of your fellow citizens who wish for a reform, as you would did you see its necessity; a dread which may cause you to shut your eyes upon oppressive excise and game laws, exorbitant tithes, an unnecessary standing army, kept on foot at the expense of two millions and a half, for the purposes of influence and corruption; a pension list, which is a disgrace to the government, and a stigma and reproach on the spirit and prudence of the nation; sinecure places, for the mere possessing of which hundreds of individuals receive thousands a year each for doing nothing at all, either for the public service or their own; in short, such an enormous accumulation of taxes, and so prodigal an expenditure of their produce, as no nation

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on the earth ever heard of or submitted to before. To make you shut your eyes, and continue blind to these enormities, those idle and futile tales are villainously dispersed abroad; but believe them not, consult your own reason, and it will show you, that there is a palpable lie on the face of every one of them?" Then explain the nature, aim, and end of your society, invite them to attend it, and to judge for themselves. If they do so, they will soon aid and assist you, by adopting similar ones in their several neighbourhoods, till in time they will overspread the whole surface of this seagirt isle.

At present, sir, I will not trouble you further on the subject, which I now quit to return to the conduct and regulation of your own society, and all others which may arise hereafter; and as to them, I think the innkeepers in Stockport, Manchester, &c. have given you a hint and lesson for which you ought to esteem yourselves for ever obliged to them. I own their insolence and audacity in proceeding as they have done is beyond example, but only deserving of contempt—as such, leave them to themselves. Public houses were never worthy of receiving such guests, whose sacred and important duty require and demand to be performed in mansions more dignified and respectable. Your meetings should be at the houses of one another, in honourable rotation; and, to prevent inconvenience from too great a number, not more than ten or twelve at the most should compose a primary or district meeting. More members may be admitted in each district, till they reach twenty or twenty-four, according to the number fixed on—but then immediately should divide into two district meetings.—The several districts should send each one member, by election, to a meeting of delegates, and this meeting of delegates should elect out of their own body a certain number, which is to compose a select committee. This select committee to manage the correspondence, and every other important concern, for the whole of the districts in any town or parish, subject always to the revision and approbation of the districts. The delegates and select committee to be chosen only for a limited time; before the expiration of which others to be elected as before, from the districts, to supply their places, by which rotations every member would in time become qualified to be a delegate and a select committee man, though he might not be so on his first entrance as a district member. These are only hints, on which you may improve or enlarge as much as you please.

Ordered, that the said letter be taken into consideration the first business at the next meeting,—Resolved, 1. That at the next meeting of this society they do consider of an answer to the Corresponding Society, on the subject of their letter, accompanying their address to the National Convention. 2. That at the said meeting the society do attend to the example of the London Corresponding Society, and consider of an address to the National Convention of France.

At a meeting, 9th November 1792.—The committee appointed at the last meeting to prepare an address from this Society to the National Convention of France made their report, and produced the following address; which was read and approved.

The Society for Constitutional Information in London to the National Convention in France.

Servants of a Sovereign People, and Benefactors of Mankind; We rejoice that your Revolution has arrived at that point of perfection which will permit us to address you by this title; it is the only one that can accord with the character of true legislators. Every successive epoch in your affairs has added something to the triumphs of liberty; and the glorious victory of the 10th of August has finally prepared the way for a constitution, which we trust you will establish on the basis of reason and nature.

Considering the mass of delusion accumulated on mankind to obscure their understandings, you cannot be astonished at the opposition you have met both from tyrants and from slaves. The instrument used against you by each of these classes is the same; for in the genealogy of human miseries ignorance is at once the parent of oppression and the child of submission.

The events of every day are proving that your cause is cherished by the people in all your continental vicinity; that a majority of each of those nations are your real friends, whose governments have tutored them into apparent foes, and that they only wait to be delivered by your arms from the dreaded necessity of fighting against them.

The condition of Englishmen is less to be deplored—here the hand of oppression has not yet ventured completely to ravish the pen from us, nor openly to point the sword at you. From bosoms burning with ardour in your cause we tender you our warmest wishes for the full extent of its progress and success. It is indeed a sacred cause; we cherish it as the pledge of your happiness, our natural and nearest friends, and we rely upon it as the bond of paternal union to the human race, in which union our own nation will surely be one of the first to concur.

Our government has still the power, and perhaps the inclination, to employ hirelings to contradict us; but it is our real opinion that we now speak the sentiments of a great majority of the English nation. The people here are wearied with imposture, and worn out with war. They have learned to reflect, that both the one and the other are the offspring of unnatural combinations in society, as relative to systems of government, not the result of the natural temper of nations as relative to each other's position.

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Go on, legislators, in the work of human happiness. The benefits will in part be ours, but the glory shall be all your own—it is the reward of your perseverance? it is the prize of virtue. The sparks of liberty preserved in England for ages, like the coruscations of the Northern Aurora, served but to show the darkness visible in the rest of Europe. The lustre of the American republic, like an effulgent morning, arose with increasing vigour, but still too distant to enlighten our hemisphere, till the splendor of the French revolution burst forth upon the nations in the full fervour of a meridian sun, and displayed in the midst of the European world the practical result of principles, which philosophy had sought in the shade of speculation, and which experience must every where confirm. It dispels the clouds of prejudice from all people, reveals the secrets of all despotism, and creates a new character in man. In this career of improvement your example will be soon followed; for nations, rising from their lethargy, will re-claim the Rights of Man with a voice which man cannot resist.

Signed, by order of the society.

———, chairman.

———, secretary.

Resolved, 1. That the thanks of this society be given to the committee who prepared the above address. 2. That Mr. Barlow and Mr. Frost be deputed by this society to present the address of this society at the bar of the National Convention of France. 3. That the thanks of this society be given to Mr. Barlow and Mr. Frost, for accepting the above deputation.

At a meeting, 30th November 1792.—Read a letter from Mr. of Leicester.—Ordered, 1. That the secretary do write to Mr. and acquaint him, that if he will transmit to him the declaration proposed to be drawn up by the Leicester society, the secretary will lay the same before a committee of this society, who will revise the same. 2. That the declaration which shall be sent from the Leicester Society be referred to the committee of correspondence.

At a meeting, 14th December 1792.—Read a printed address from Manchester.—Resolved, That the said address be approved for publishing in the newspapers.—A motion was made and seconded, That the 20th law of this society be suspended on this occasion; which motion was carried in the affirmative.—Resolved, 1. That the said address be printed in the newspapers. 2. That 100,000 copies of the same be printed by this society, and distributed to their correspondents in Great Britain and Ireland.

The following resolutions were proposed by a member of the society:

Resolved, 1. That the object of this society, from its first institution to the present moment of alarm, has uniformly been to promote the welfare of the people by all constitutional means, and to expose, in their true light, the abuses which have imperceptibly crept in, and at last grown to such an height as to raise the most serious apprehensions in every true friend of the constitution. 2. That this society disclaims the idea of wishing to effect a change in the present system of things by violence and public commotion; but that it trusts to the good sense of the people, when they shall be fully enlightened on the subject, to procure, without disturbing the public tranquillity, an effectual and permanent reform. 3. That the intentions of this and of similar societies have of late been grossly calumniated, by those who are interested to perpetuate abuses, and their agents, who have been industrious to represent the members of such societies as men of dangerous principles, wishing to destroy all social order, disturb the state of property, and introduce anarchy and confusion instead of regular government. 4. That in order to counteract the operation of such gross aspersions, and to prevent them from checking the progress of liberal inquiry, it is, at this time, peculiarly expedient that this and similar societies should publicly assert the rectitude of their principles. 5. That the said resolutions be adopted, in order for printing in the newspapers.

Read a letter from the Society of Friends of Liberty and Equality, sitting at Laon, capital of the department De L'Aisne to the Patriotic Society of London, named the Society for Constitutional Information.—Resolved, That the said letter be referred to the committee of correspondence.

At a meeting, 21st December 1792.—The secretary reported that he had offered the address which was sent to the last meeting from Manchester, and ordered to be published, to the offices of the Morning Chronicle and Morning Post, and that they had refused to print them; that the Morning Post had given a written answer to his application, which being read; ordered, That the same be entered in the books of this society.

"This excellent paper, drawn by a masterly hand, we wish to see in the possession of every Englishman; but after the verdict against Mr. Paine, which was not warranted by the law or constitution, the proprietors of newspapers tremble at inserting any thing except fulsome panegyrics, on a depraved legislature and hungry court minions: the vile associations have worked the public mind into such a fervour, that a jury would, by the intimation of a judge, find any thing a libel; we therefore can only express our sorrow that self-preservation will not permit us to make the Morning Post the vehicle to convey this paper to the public."

Read a letter from Mr. ——— of Manchester.—Resolved, That the address from Manchester, together with the resolution, be published in newspapers, in Scotland.

Read a letter from the Society of the

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Friends to Liberty and Equality, at Macon, in the department of Saone and Loire.—Ordered, That the same be entered on the minutes of the society. [A blank is left in the book where it should be entered].

Resolved, That ——— ——— ——— ——— ——— ——— ——— ——— be a committee for foreign correspondence.

Resolved, That the letter from the said society be referred to the committee for foreign correspondence.

Ordered, That the proceedings of the committee for foreign correspondence be entered in a separate book.

At a meeting, 18th January 1793.—Resolved, 1. That citizen St. André, a member of the National Convention of France, being considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an associated honorary member of this society. 2 That the said resolution be published in the newspapers.

At a meeting, 25th January 1793.—Resolved, 1. That citizen Barrère, a member of the National Convention of France, being considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an associated honorary member of this society. 2. That citizen Roland, being also considered by us as one of the most judicious and enlightened friends of human liberty, be admitted an associated honorary member of this society. 3. That the said resolutions be published in the newspapers. 4. That it appears to this society, from the best information we can obtain, that the people of Great Britain are, at this present time, utterly averse to a war with France, and consider such an event as a calamity of the human race, however it may gratify a confederacy of foreign kings. 5. That the said resolution be published in the newspapers.

At a meeting, 1st February 1793,—Read a circular letter from the Sheffield Society for Constitutional Information.—Resolved, 1. That a committee be appointed to report an answer. 2. The speeches of citizen St. André and citizen Barrère (associated honorary members of this society) as given in the *Gazette Nationale ou Moniteur Universelle* of Paris, on the 4th, 6th, and 7th of January 1793, be inserted in the books of this society. 3. That the said resolution be published in the newspapers.

At a meeting, 15th February 1793.—Read a letter from the Society for Constitutional Information at Birmingham, of which the following is an extract: "Our society requests the favour of your admitting the following twelve persons, whose names are subscribed, to be enrolled members of your society, for the purpose of corresponding with yours and every other similar institution in the nation, for the better regulating our measures, and receiving instruction. Wishing you all the success your laudable undertaking deserves, we are, with sincerity, your fellow citizens and friends."

Resolved, "that the twelve members of the Birmingham Society for Constitutional Information, recommended in the said letter, be admitted associated members of this society. 2. That the said letter, and the election of the said twelve members, be published in the newspapers (exclusive of their names).

At a meeting, 15th March 1793.—Read a letter from the Constitutional Society at Sheffield, inclosing the resolutions of the 13th of February last.—Resolved, 1. That the secretary be instructed to return the thanks of this society to the Society for Constitutional Information at Sheffield, for their communication; and to acquaint them that this society perfectly agree with them in their sentiments, with respect to the calamities of war in general, and that they concur with them in thinking that the thanks of the community at large are due to all those who have exerted themselves to prevent the present war. 2. That the thanks of this society be given to Joel Barlow and John Frost, for their conduct in the presentation of the address of this society to the National Convention of France; and that Mr. Frost be assured that our regard for him is not lessened, but increased, by the prosecutions and persecutions which his faithful and due discharge of that commission may bring upon him.

At a meeting, 5th April 1793.—Resolved, That a letter be written to Simon Butler and Oliver Bond, esquires expressive of the high sense we entertain of their exertions in the cause of freedom; and to assure them that we consider the imprisonment they at present suffer on that account as illegal and unconstitutional.

The following Letter was produced and read:

"Gentlemen;—It is not easy for men, who feel strongly and sincerely, to convey those feelings by letter, we therefore rely on your conceiving for us much of that which we are unable to express to you. We think, however, that we shall be guilty of a great omission, did we neglect the opportunity of sending you, by Mr. Hamilton Rowan, the honest tribute of our esteem and admiration for your brave and manly resistance to the usurped jurisdiction of the Irish aristocracy. Permit us to offer you our thanks, and our grateful acknowledgment of your efforts in what we consider as a common cause, while we lament our inability of proving ourselves useful in your defence.—Although we are of different kingdoms, still we are but one people; and as the freedom of one continent has already spread its influence to Europe, so on the other hand we are persuaded that the establishment of despotism in Ireland, must end in the slavery of Great Britain. But the light of liberty is not confined to one shore or one latitude.—We know that it is easier to

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admire than to practise those virtues that tend to the public benefit. Yet so long as the exertions of a few courageous men must influence the minds of at least the independent and thinking part of the community, we are assured that their labour is not fruitless. We trust therefore the time will soon arrive, when the abuse of power in either nation will have no other consequence than the ruin of those who have committed that injustice. We hope and we doubt not, of soon seeing the day, when the post of honour shall be no longer that of obloquy and punishment, but when those who have risked their liberty and fortune in the cause of their countrymen, may find protection in the undisputed, uninterrupted exercise of trial by jury, with a full and adequate representation of the people in parliament."

At a meeting, 19th April 1793.—Read an answer directed to be prepared to the letter received from the United Political Societies in Norwich:—Resolved, That the said answer be sent by the secretary to the secretary of the said societies. Mr. ——— read an answer (directed to be prepared by him) to the letter received from Mr. ——— of Birmingham —Read a letter from Mr. Hamilton Rowan to the secretary of this society.—Ordered, That the said letter be entered in the books of this society.

"Mr. Hamilton Rowan presents his compliments to Mr. Adams; he did intend to have done himself the pleasure of waiting on him, but has been so intolerably hurried by private business as to have been prevented from his purpose, and fears he shall not have it in his power before he leaves this town for Ireland, which will be either on Monday evening or early on Tuesday morning. He knows that no more pleasurable sensation can be received by Messrs. Butler and Bond, as well as by all those gentlemen who are acting with them, and who, though not under present are liable to future prosecution than the countenance and support of those who are really engaged in the cause of men in general, and such we believe the members of the Society for Constitutional Information to be, and as such H. R. in particular will remember the kind fraternity with which he had the honour of being received by them: and as a member of the United Irishmen of Dublin, would be happy to have it in his power to return the compliment in his own country. Osborne's hotel, Adelphi, 7th April 1793."

At a meeting 21st June 1793.—Read the Sheffield and Nottingham petitions to the House of Commons.—Resolved, That a committee be appointed to prepare an address to the British nation; and that the said committee be an open committee.

At a meeting, 28th June 1793.—Copies of two petitions from the town of Nottingham presented.—Resolved, 1. That a committee be appointed to prepare an address to the British nation. 2. That [two members, who are named] be requested to prepare the said address.

At a meeting, 25th October 1793.—Read a letter from the secretary to the Society for Constitutional Information at Coventry to ——— accompanied with some addresses from the said society.—Resolved, That the thanks of this society be returned to the Coventry Society, for their communication.

Mr. Sinclair read a letter, with an Address from Mr. Skirving, secretary to the Convention of the Friends of the People in Scotland, to the secretary to the London Corresponding Society—Resolved, 1. That an extraordinary general meeting of this society be called for Monday next, at the Crown and Anchor tavern at six o'clock in the evening, to consider of the utility and propriety of sending delegates to a convention of delegates of the different societies in Great Britain to be held at Edinburgh, for the purpose of obtaining a parliamentary reform. 2. That the substance of the motion be inserted in the letter.

At a meeting, 28th October 1793.—Read addresses to the friends of the people of parliamentary reform signed by William Skirving secretary to the general convention at Edinburgh —Resolved, 1. That this society do send delegates to the ensuing convention to be held in Edinburgh for promoting a reform in parliament. 2. That two members of the society be elected as delegates to the said Convention. 3. That the secretary do deliver to the delegates appointed by this society to represent them in the Convention at Edinburgh, copies of the proceedings of the 25th and 28th instant, by which they are appointed to that office.

Instructions to the Delegates.

"The delegates are instructed, on the part of this society, to assist in bringing forward and supporting any constitutional measures for procuring a real representation of the Commons of Great Britain in parliament. That in specifying the redress to be demanded of existing abuses, the delegates ought never to lose sight of the two essential principles, general suffrage and annual representation, together with the unalienable right in the people to reform; and that a reasonable and known compensation ought to be made to the representatives of the nation, by a national contribution.—That the delegates do punctually correspond with the society, for the purpose of communicating information, and of receiving such farther instructions as the exigency may require."

Resolved, 1. That the above be the directions to the delegates. 2. That seven guineas be allowed to each of the delegates for travelling; and a sum not exceeding three guineas per week each be allowed them during the sitting of the convention of delegates: and that a subscription be now opened for that purpose, and that the secretary be requested to receive the same. 3. That the proceedings of Friday the 25th and Monday the 28th October 1793, be signed by the chairman and secretary. 4. That the se-

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cretary be requested to write to the different societies, with which this society is in correspondence, informing them that the London Corresponding Society, together with this society, have elected delegates to the convention of delegates, to meet at Edinburgh on the 29th instant; and to request their concurrence in this important measure.

At a meeting, 8th November 1793.—Read letters from the Constitutional Societies at Sheffield, Leeds, and Birmingham, in answer to the secretary's letters of the 28th ult.

At a meeting, 6th December 1793.—Read a letter from Mr. ———, delegate from this society at Edinburgh, dated 7th November, with the secretary's answer to that letter; and also another letter from Mr. ——— dated 12th November.—Resolved, 1. That a general meeting of this society be called for the second Friday in January next, for the purpose of considering the important letters received from the delegate, Mr. ———. 2. That a committee be appointed to correspond with our delegate, Mr. ———.

At a meeting, 10th January 1794.—Resolved That the important letters received from Mr. ———, the delegate from this society to the Convention at Edinburgh, and the subsequent proceedings of that convention, be taken into consideration on Friday next; and that a general meeting of the society be called for that purpose.

At a meeting 17th January 1794.—Resolved 1. That law ceases to be an object of obedience, whenever it becomes an instrument of oppression. 2. That we recall to mind, with the deepest satisfaction, the merited fate of the infamous Jefferies, once lord chief justice of England, who at the Æra of the glorious Revolution, for the many iniquitous sentences which he had passed was torn to pieces by a brave and injured people. 3. That those who imitate his example deserve his fate. 4. That the Tweed though it may divide countries, ought not, and does not, make a separation between those principles of common severity, in which Englishmen and Scotsmen are equally interested; that injustice in Scotland is injustice in England; and that the safety of Englishmen is endangered whenever their brethren of Scotland, for a conduct which entitles them to the approbation of all wise, and the support of all brave men, are sentenced to Botany Bay, a punishment hitherto inflicted only on felons. 5. That we see with regret, but we see without fear, that the period is fast approaching when the liberties of Britons must depend not upon reason, to which they have long appealed, nor on their powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised. 6. That we approve of the conduct of the British Convention, who, though assailed by force, have not been answered by argument; and who, unlike the members of a certain assembly have no interest distinct from the common body of the people. 7. That a copy of the above resolutions be transmitted to citizen William Skirving, secretary to the British Convention, who is now imprisoned under colour of law, in the Tolbooth of Edinburgh. 8. That the resolutions now passed be published in the newspapers.

Read a Letter from Mr. Hardy secretary to the London Corresponding Society.

At a meeting, 24th January 1794.—A motion was made, That it be resolved, That the *most excellent* Address of the *London* Corresponding Society be inserted in the books of this society, and that the king's speech to HIS parliament be inserted UNDER it, in order that they may both be always ready for the perpetual reference of the members of this society during the continuance of the present *unfortunate* war; and that *(in perpetuam rei memoriam)* they may be printed together in one sheet at the happy conclusion of it; which happy conclusion, according to the present prosperous appearances, we hope and believe not to be many months distant.

An amendment was moved, That between the word (HIS) and (Parliament) the word *(Honourable)* should be inserted.—*Honourable* was withdrawn.—Another amendment was then moved, that between the words (HIS) and (Parliament) the word *(Faithful)* should be inserted.—*Faithful* was withdrawn.—And it was unanimously resolved that "HIS, and HIS only, is the proper epithet for parliament upon the present occasion." The resolution then passed unanimously in its original form.

Resolved, That the London Corresponding Society has deserved well of their country.

Resolved, 1. That the secretary be ordered to cause 40,000 copies of the Address, the Speech, and these Resolutions, to be printed on one sheet, and properly distributed in England, Scotland, and Ireland. 2. That these resolutions be published in the newspapers.

Mr. ——— gave notice, that he would at the next meeting of this society, move that two books should be opened, one of them (bound in black) in which shall be entered all the enormities of those who deserve the censure, and in the other the merits of those who deserve the gratitude of the society.

At a meeting, 14th March 1794.—Resolved, 1. That the thanks of this society be given to Archibald Hamilton Rowan, esq., for the manly firmness with which he has uniformly pursued the objects most dear to this society, that of a fair representation of the people in parliament. 2. That Archibald Hamilton Rowan, of the city of Dublin, a gentleman of the most excellent and undoubted public principles, and of the most uniform and upright conduct in the pursuit of those principles, be chosen an honorary member of this society. 3. That these resolutions be communicated to Mr. Rowan by the secretary of this society.

At a meeting, 21st March 1794.—Resolved

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unanimously, That the secretary of this society be directed to write to the Friends of Peace and Reform at Sheffield, and to assure them, that this society views with pleasure their steady exertions to obtain a fair representation of the people of Great Britain in parliament, and the proper methods which may be appointed for public fasts.

At a meeting, 28th March 1794.—Read a letter from the London Corresponding Society. Resolved, That the same be entered on the books of this society.

"*March 27th* 1794.

"Citizen;—I am directed by the London Corresponding Society to transmit the following Resolutions to the Society for Constitutional Information, and to request the sentiments of that society respecting the important measures which the present juncture of affairs seems to require.—The London Corresponding Society conceives that the moment is arrived, when a full and explicit declaration is necessary from all the friends of freedom, —whether the late illegal and unheard of prosecutions and sentences shall determine us to abandon our cause, or shall excite us to pursue a radical reform, with an ardour proportioned to the magnitude of the object, and with a zeal as distinguished on our parts as the treachery of others in the same glorious cause is notorious. The Society for Constitutional Information is therefore required to determine whether or no they will be ready, when called upon, to act in conjunction with this and other societies, to obtain a fair representation of the people—whether they concur with us in seeing the necessity of a speedy convention, for the purpose of obtaining, in a constitutional and legal method, a redress of those grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the people of Great Britain. The London Corresponding Society cannot but remind their friends that the present crisis demands all the prudence, unanimity, and vigour, that ever may or can be exerted by men and Britons; nor do they doubt but what manly firmness and consistency will finally, and they believe shortly, terminate in the full accomplishment of all their wishes. I am, fellow citizen (in my humble measure), a friend to the Rights of Man.

"(Signed) ——————, secretary."

Resolved unanimously, 1. That dear as justice and liberty are to Britons, yet the value of them is comparatively small without a dependence on their permanency; and there can be no security for the continuance of any right but in equal laws. 2. That equal laws can never be expected but by a full and fair representation of the people; to obtain which, in the way pointed out by the constitution, has been and is the sole object of this society. For this we are ready to hazard every thing, and never but with our lives, will we relinquish an object which involves the happiness or even the political existence of ourselves and posterity. 3. That it is the decided opinion of this society, that to secure ourselves from future illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and to recall those wise and wholesome laws that have been wrested from us, and of which scarcely a vestige remains, there ought to be immediately a convention of the people, by delegates deputed for that purpose from the different societies of the friends of freedom assembled in the various parts of this nation. And we pledge ourselves to the public to pursue every legal method speedily to accomplish so desirable a purpose.

P. S. I have to inform you that a general meeting of the society will be holden on Monday the 14th April, the place to be announced by public advertisement.

Resolved, That it is fit and proper, and the duty of this society, to send an answer to the London Corresponding Society.

Ordered, That the secretary acquaint the London Corresponding Society, that we have received their communication, and heartily concur with them in the objects they have in view: and that, for the purpose of a more speedy and effectual co-operation, we invite them to send to this society next Friday evening a delegation of some of their members.

At a meeting, 4th April 1794.—Read a letter from the committee of the London Corresponding Society, acquainting this society that they had deputed [several persons] to hold a conference with the members of this society. Five persons attended from the London Corresponding Society.—Resolved, 1. That a delegation of five members of this society be appointed to meet the members deputed by the London Corresponding Society. 2. That this deputation do confer with the deputies of the London Corresponding Society. 3. That there be appointed a committee of correspondence of the members of this society.

Ordered, That [six persons] compose the committee.

At a meeting, 11th April 1794.—Mr. ——————— made the report of the meeting of the delegates of the London Corresponding Society, for the purpose of this society co-operating with the London Corresponding Society; and that they had come to the following resolutions:

1st, Resolved, That it appears to this committee very desirable that a general meeting or convention of the friends of liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.

2d, Resolved, That it is recommended to the society for Constitutional Information, and the London Corresponding Society, to institute a regular and pressing correspondence with all those parts of the country where such measures may be likely to be promoted,

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not only to instigate the societies already formed, but to endeavour also to produce such other associations as may farther the general object.

Resolved, That it appears to this committee, that the general object will be much promoted, if a standing committee of co-operation between the two societies were established, for the purpose of holding personal communication with such members of similar societies, in other parts of the country, as may occasionally be in London, and who may be authorized by their respective societies to act with such committees.

Read the following letter from the secretary to the London Corresponding Society.

April 10th, 1794.

Citizen;—I am ordered by the committee of delegates of the London Corresponding Society, to inform the society for Constitutional Information, that they approve of the resolutions of the committee of conference. Therefore the London Corresponding Society have chosen [five persons] to put in practice immediately the second and third resolutions of that committee.

(Signed) ——— ———, secretary.

———, secretary to the Society for Constitutional Information.

Resolved, That the report of the committee of delegates from the London Corresponding Society, and of this society, be entered on the books of this society.

Resolved, 1. That it appears to this society very desirable that a general meeting of the friends of liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people. 2. That it appears to this society that the general object will be much promoted if a standing committee of co-operation were established for the purpose of holding personal communication with such members of similar societies in other parts of the country, as may occasionally be in London, and who may be authorized by their respective societies to act with such committees. 3. That the committee of correspondence already appointed by this society be the committee for co-operation and communication with the committees of other societies.

Ordered, That the secretary be desired to send a letter to the London Corresponding Society, acquainting them with the members of this society appointed to confer with them.

Resolved, That Mr.——— be requested to accept of the office of secretary to the committee of correspondence.

Mr. ——— being present accepted of the said office.

At a meeting, 9th May, 1794.—Read a pamphlet, containing certain proceedings of the London Corresponding Society, and of this society.—Resolved, That 2,000 of the same be printed by this society.

APPENDIX D.—Copy of a Letter from the Society for Constitutional Information at Sheffield, to the editors of the English Chronicle.

Sheffield, 15th January, 1792.

Gentlemen;—The Society for Constitutional Information now established at Sheffield, in the county of York, being desirous of forming a connexion with all the like societies in England, and especially with those, or some of them, in London, the Thatched House, the London Tavern, or others, humbly solicits your advice and assistance in the accomplishing thereof in order to form our resolves similar to theirs; because, as we are actuated by the same cause and principle, and all our interests being one, our sentiments ought and must be the same.

Your information of the method, terms, and manner of application, for the above purpose, as likewise to have one of our friends admitted a member of theirs, so as a regular communication may be carried on between us, being directed to me, will be esteemed a particular favour, and gratefully acknowledged by this society; and the expense incurred by your attention to this business shall be duly paid to your order, either to the postmaster here, or as you may please to direct, for and by the order of this society. I am respectfully your sincere friend ———

[The following paragraphs are added in the same hand.]

As the manner of our beginning to associate on this occasion was somewhat singular, we beg your permission to mention a few remarks thereon.

It first originated in an assembly of five or six mechanics, who, by their meeting at some one of their Houses, and conversing about the enormous high price of provisions, &c.—the gross abuses this nation labours under from the unbounded authority of the monopolisers of all ranks, from the king to the peasant; the waste and lavish of the public property by placemen, pensioners, luxury, and debauchery, sources of the grievous burthen under which this nation groans; together with the mock representation of the people—these being the subjects of their conversation, they concluded that nothing but darkness and ignorance in the people could suffer the natural rights of every freeman to be thus violated; and this excited them to invite and to visit their neighbours, whence a small society of twenty or thirty soon commenced, and kept increasing, so that they were obliged to divide into separate bodies; and at this time, they have formed eight of these smaller societies, which meet each at their different Houses, all on the same evening; this preserves good order, and none are admitted without his ticket, that they are perfectly safe from being intruded upon, and perfect regular good order kept up; these meet every two weeks. Their general meeting at which some

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hundreds attend, is held once a month, at [a part here appears to be torn off] but true knowledge will progressively extend itself with the same effect, throughout this whole nation, as it hath hitherto done here. We have now in the press a re-publication of Paine's Rights of Man, for 1,600 copies, by 1,400 subscribers, at the low price of sixpence each copy, to which we propose to annex an abstract of the noted iniquitous corn bill of last year.

We have also had an impression here of that famous address, signed by J. H. Tooke, esq. chairman; whose address we should like to be favoured with.

Please to favour us with your answer to the above as soon as convenient; and if you can form any thing from the above, worthy of your truly laudable paper, you are at liberty; but as it was not thought of at our meeting, it is not properly methodized and adjusted, as it stands, for that purpose—we mean, in future, to trouble you with something of the kind for that purpose.

Copy of a letter from the secretary to the London Corresponding Society to the chairman of the Society for Constitutional Information.

Thursday, 14th March, 1792.

Sir;—The delegates of the Corresponding Society think it their duty to acquaint you, without delay, of the subscription begun on Monday last, at this place, for the defence of the prosecution said to be commenced against your worthy member Mr. Thomas Paine, in consequence of his valuable publication, intituled "The Rights of Man."

The division assembled here on that evening amounted to about twenty persons. At the desire of one of our members, Mr. Paine's letter to Mr. Secretary Dundas was read; after which the subscription was proposed, and immediately signed by every one present: we have just learned that the division No. 5 of this society likewise begun their subscription on Tuesday last—It is our intention to recommend to each of our several divisions, the pursuance of the same laudable design; and we doubt not but that a numerous body of our countrymen will be found to follow an example so just in itself, and so essential to the support of that small portion of liberty which the people of England are still supposed to enjoy. The approbation and the encouragement which our feeble endeavours have met with from the Constitutional Society, make us desirous of uniting more strongly and more immediately with you—for this purpose we wish thst six of our members might be admitted amongst you, after the manner of those whom you received from the societies established at Sheffield and Norwich—Conceiving that should this plan be adopted generally, it could not fail to strengthen the cause in which we are engaged, we beg the favour of you to propose it at your next meeting, and to return us the decision of your society thereupon.—I am, sir, with great attachment and esteem, &c.

——— ———, secretary.

Copy of a letter from the Sheffield Society to Mr. ——— the secretary of the Society for Constitutional Information.

Sir;—It is now about four months since this society first formed iteslf into a regular body, then but very few in number; the enclosed will inform you of their increase, and which is most probable will soon become very numerous, and not only this large and populous town, but the whole neighbourhood for many miles round-about, have an attentive eye upon us; most of the towns and villages indeed are forming themselves into similar associations, and strictly adhere to the mode of copying after us; you will easily conceive the necessity for the leading members of this body to pay strict attention to good order and regularity, and the need we have of consulting and communicating with those who are sincere friends and able advocates for the same cause; for these reasons we took the liberty of writing to Mr. Horne Tooke, that worthy friend and patriot for the rights of the people, informing him of our earnest desires of entering into a connexion with the society of the same denomination with ours in London: his very obliging and affectionate answer favours us with your address; in consequence we have taken the liberty herewith to transmit to you some resolves which was passed at our last meetings by the whole body, and the committee was charged with the dispatch of printing and forwarding them to you accordingly, for the purpose of submitting them to the consideration of your society, to make such use of them as they think most prudent.

You will also notice the Belpar address; they applied to us about two months ago for instructions as to our mode of conducting, &c. had not then formed themselves into any regular association. Belpar is nearly thirty miles from this place, in Derbyshire, and eight or ten miles from Derby.

If the Society for Constitutional Information in London should vouchsafe so far to notice us as to enter into a connexion and correspondence with us, it cannot fail of promoting honour and adding strength to our feeble endeavours, and to the common cause, which is the entire motive we have in view. —I am, sir, &c.

By order of the committee, ——— ———

Sheffield,

14th May, 1792.

We have taken the liberty of enclosing a parcel for Mr. ——— in answer to a letter from him to this society, requesting some information concerning our method of conducting the business we are embarked in, &c.: also informing us there are in London a number of mechanics, shopkeepers, &c. form-

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ing themselves into a society on the broad basis of the rights of man. You will be so obliging as to let the packet remain with you until he call for it, as by this post I have wrote him thereof. We have given him our manner of proceeding, from our setting out to this time, and hope it may be of some use; the improvement we are about to adopt is certainly the best for managing large bodies, as in great and populous towns, viz. dividing them into small bodies or meetings of ten persons each, and these ten to appoint a delegate: ten of these delegates form another meeting, and so on, delegating from one to another, till at last are reduced to a proper number for constituting the committee or grand council.—Please to forward the packet to Mr. ——— as soon as convenient.

Copy of a letter from the Society for Constitutional Information at Sheffield, to the Society for Constitutional Information in London.

Gentlemen;—This society, feeling as they do the grievous effects of the present corrupt state defects, and of our country, the great and heavy oppressions which the common mass of the people labour under as the natural consequence of that corruption; and at the same time, being sensible, to a degree of certainty, that the public minds and general sentiments of the people are determined to obtain a radical reform of the country, as soon as prudence and discretion will permit, believes it their duty to make use of every prudent means, as far as their abilities can be extended, to obtain so salutary and desirable an object, as a thorough reformation of our country, established upon that system which is consistent with the rights of man. For these reasons with great deference and submission to the members of the Society for Constitutional Information in London, we beg leave to request that they will be pleased to admit the persons of the following names annexed hereto as members of their society (they being our friends, and members of our society) in order that a close connexion may be formed, and a regular communication maintained, between the two bodies; that being thus strengthened, this society may be better enabled to govern itself with more propriety, and to render assistance to their fellow-citizens in this neighbourhood, and in parts more remote; that they, in their turn, may extend useful knowledge still further, from town to village, and from village to town, until the whole nation be sufficiently enlightened, and united in the same cause, which cannot fail of being the case wherever the most excellent works of Mr. Thomas Paine find residence.—I am, gentlemen, your most respectful and sincere friend,

By order of the committee, ———
Secretary for this society.

Sheffield,
14th March, 1792.

Names of the twelve members of the Society for Constitutional Information in Sheffield, requested to be entered as members of the society of the same denomination in London.

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Copy of a letter from the Sheffield Society for Constitutional Information, to the secretary of the London Corresponding Society. Received 19th March, 1792.

Sir;—Your letter of the 8th instant to Mr. ——— was yesterday handed to us by means of that gentleman: he is not a member of this society, and therefore cannot perfectly answer your request respecting the rules and orders of this society. It affords us infinite satisfaction that the people in London are beginning to form themselves into orderly societies, and taking into their consideration the great importance and the necessity of a reform of the corrupt state of our government; a work, than which none is more needful in this nation for the relief of the oppressed: the noble observation is yours, is worthy of the acceptation of all, viz. "That no man who is an advocate from principle for the liberty of a black man, but will strenuously promote and support the rights of a white man, and *vice versa*."

The inclosed, sent to Mr. ——— as below, will inform you of the principles we set out upon, when at first a very small number, some four or five of us, meeting in each other's houses in an evening, consulting and condoling the very low and even miserable condition the people of this nation were reduced to by the avariciousness and extortion of that haughty, voluptuous, and luxurious class of beings, who would have us to possess no more knowledge, than to believe all things were created only for the use of that small groupe of worthless individuals. With these sentiments, and perusing Mr. Paine's Rights of Man, maturely considering the force and weight of argument therein contained, by degrees became confirmed in our judgment, that pride, ambition, luxury, and oppression, with every vice, appeared to be at the height, or nearly at the utmost stretch; and admitting this to be the case (as we really do believe it is) we may with the greatest probability expect it cannot be very long before a great and perhaps a general change will take place, which will redound with more happiness to the people, as their manners and moral practices are more

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consistent to the Divine will of the all-wise Disposer of all things, in heaven and on earth.

On these principles our numbers kept increasing, so that we found it necessary, for the sake of good order, to divide ourselves into small bodies, of ten persons each, and to hold a general meeting once a month; but of late our numbers have increased so rapidly, and only having thirteen meeting places all of the same evening, they are so crowded, that we are adopting the plan we first set out with, and to divide the whole (which do now consist of about 2,000 members) into tythings, or meetings of ten members each;—two hundred of these meetings will include the whole, from each of which a delegate or leading man will be chosen, and appointed to attend at their respective places—ten at each: these 200 delegates will form twenty meetings, of ten members each: and lastly, from each of these meetings a delegate will be appointed to meet at the appointed place, and these will form the committee, or the grand council: by this method order and regularity will be maintained; and by this method a regular communication throughout the whole nation might be kept up with the most perfect harmony—and we would particularly recommend it to you in London as worthy your adoption. As you increase in numbers, necessity will confirm these sentiments. We shall be glad at any time to correspond, and be in close connexion with you; as our cause is one, so ought our sentiments to be unanimous; we also would recommend you to enter into connexion with the members of the Society for Constitutional Information in London, of whom Mr. ——— ——— is one: and we are fully assured that gentleman will be the true friend and advocate in our cause, consistent with his principles hitherto manifested, both in public and private. We have enclosed a packet directed to you, with a parcel to Mr. ——— in ———, who is secretary for the said society, and who will deliver it to you when you call for it, it containing some information.

Copy of Resolutions transmitted to the Society for Constitutional Information.

At a meeting of the delegates of the United Constitutional Societies, held the 24th March 1792, at the Wheel of Fortune, Saint Edmunds, in the city of Norwich, it was unanimously agreed to communicate to the gentlemen of the London Society for Constitutional Information the following Resolutions:

1. We are happy to see the success of the Sheffield Society for Constitutional Reform, and approve of the delegations which you and they have made, in order to form a plan of general information; we humbly beg that you would grant to us the same favour, and it is our wish that all the societies of a similar kind in England were only as so many members strongly and indissolubly united in one political body.

2. We believe that instructing the people in political knowledge, and in their natural and inherent rights as men, is the only effectual way to obtain the grand object of reform; for men need only be made acquainted with the abuses of government, and they will readily join in every lawful means to obtain redress. We have the pleasure to inform you that our societies consist of some hundreds; and new societies are frequently forming, which by delegates preserve a mutual intercourse with each other for instruction and information; and the greatest care has been taken to preserve order and regularity at our meetings, to convince the world that riot and disorder are no parts of our political creed.

3. We believe, and are firmly persuaded, that Mr. Burke (the once friend of liberty) has traduced the greatest and most glorious revolution ever recorded in the annals of history—We thank Mr. Burke for the political discussion provoked, and by which he has opened unto us the dawn of a glorious day.

4. To Mr. Thomas Paine our thanks are especially due, for his first and second part of the Rights of Man; and we sincerely wish that he may live to see his labours crowned with success in the general diffusion of liberty and happiness among mankind.

5. We view, with concern, the late discoveries relative to the Westminster election, in 1788; and conceive ourselves, and all true friends of freedom, under great obligations to Messrs. Thomson, Windham, Francis, Taylor, and all the noble and spirited minority, for their exertions in order to discover the true source of that abominable and iniquitous procedure.

6. We congratulate our brethren in the various parts of the kingdom, on the progress of political knowledge, and earnestly intreat them to increase their associations, in order to form one grand and extensive union of all the friends of general liberty.—And we hope the time is not far distant, when the people of England will be equally and faithfully represented in parliament.—Signed by order,

———, chairman ———

Copy of a Letter from the secretary to the London Corresponding Society to the president of the Society for Constitutional Information.

Sir;—I am ordered by the committee to send to the Society for Constitutional Information in London a copy of our motives for associating, and the resolutions we have come to. We mean to persevere in the cause we have embarked in; that is, to have (if possible) an equal representation of the people of this nation in parliament.—We should be exceedingly happy to enter into a correspondence with that society, if it is not too much presumption in us to expect such an honour? but as our cause is one, we hope that they will deign to take some notice of us, who are now

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entering upon a matter of such vast importance.—You will see, by one of our resolutions, that we have entered into a correspondence with the society at Sheffield.—I am, sir, with all deference, &c.

March 30th, 1792.

Copy of a Letter from lord John Russell to J. Cartwright, esq, chairman of the Society for Constitutional Information.

Sir;—Fully sensible that the Society for Constitutional Information have made no sacrifice to delicacy in their address to us, we on our part shall affect no disguise.

Voluntary associations not being armed with public authority, have no force but that of truth, no hope of success but in the strength of reason, and the concurrence of the public.

We profess not to entertain a wish "that the great plan of public benefit which Mr. Paine has so powerfully recommended will speedily be carried into effect," nor to amuse our fellow citizens with the magnificent promise of obtaining for them "the rights of the people in their full extent,"—the indefinite language of delusion, which by opening unbounded prospects of political adventure tends to destroy that public opinion which is the support of all free governments, and to excite a spirit of innovation of which no wisdom can foresee the effects, and no skill direct the course. We view man as he is, the creature of habit, as well as of reason. We think it therefore our bounden duty to propose no extreme changes, which, however specious in theory, can never be accomplished without violence to the settled opinions of mankind, nor attempted without endangering some of the most estimable advantages which we confessedly enjoy. We are convinced that the people bear a fixed attachment to the happy form of our government, and the genuine principles of our constitution; these we cherish as objects of just affection, not from any implicit reverence, or habitual superstition, but as institutions best calculated to produce the happiness of man in civil society: and it is because we are convinced that abuses are undermining and corrupting them, that we have associated for the preservation of those principles.

"We wish to reform the constitution, because we wish to preserve it."

Associations formed in the face of power, in opposition to the interests of our present legislators, evince that individual security and personal independence are already established by our laws.

The immense accumulation of debt, the enormous taxation of seventeen millions of annual revenue, demonstrate that the collective interests of the community have been neglected or betrayed.

We believe the defective constitution of the assembly, entrusted with the public purse to be the real source of this evil. With this view we have pledged ourselves to attempt a timely and salutary reform, adhering in every measure we may take to the fundamental principles of the constitution. According to those acknowledged principles, the people have a perfect right to possess an organ, by which the public mind may speak in legislation; and to bind their representatives to the interests of the whole community, by a frequent renovation of the trust. These objects accomplished, we believe abuses will find no protection in a genuine representation of the people; that regulations best adapted to the public happiness will be gradually infused into our laws, through the known channels of legislation: and that the agitated minds of men, resuming their confidence in parliament, will subside into a calm expectation of redress, without forgetting the principles or violating the form of the constitution.

These, as we think, are the views of men detesting anarchy, yet sincere friends of the people. Your letter appears to us to be written with a view to create distrust of our designs, to insinuate doubts of sincerity, and to excite an early suspicion of our principles in the minds of the people. We have not, however, refused, in answer, to disclaim what we condemn, and to avow our real objects, from the pursuit of which we will not suffer ourselves to be diverted by any controversy. We must beg leave at the same time, to decline all future intercourse with a society whose views and objects, as far as we can collect them from the various resolutions and proceedings which have been published, we cannot help regarding as irreconcileable with those real interests on which you profess to inform and enlighten the people.

(Signed) JOHN RUSSELL, chairman.

Freemasons' Tavern.
Saturday, May 12th, 1792

Freemasons' Tavern, May 12th, 1792.

At a general meeting of the Society of the Friends of the People associated for the purpose of obtaining parliamentary reform. The right hon. lord John Russell in the chair.

Resolved, 1. That the proceedings of this day, including the letter from the Society for Constitutional Information, and the answer of this society to that letter, be printed and published. 2. That, together with the answer of this society to the letter of the Society for Constitutional Information, there be transmitted to John Cartwright, esq. chairman of that society, a copy of the resolution of the Society of the Friends of the People, to print and publish the letter, and reply.

JOHN RUSSELL, chairman.

Copy of a Letter from Stockport, to the secretary of the London Corresponding Society. Received 17th Sept. 1792.

Dear Sir;—In obedience to the wishes of the society here, I have the pleasure of acknowledging the honour of your letter, and

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the packet which the kindness of our brothers of the London Corresponding Society so opportunely presented us with.

It is doubly deserving our thanks, as it shows your kindness, and as it will be useful in the formation of our infant society: we stand much in need of your experience in this particular, and we doubt not of your best assistance. We are surrounded by a majority, a formidable one indeed, in power, abilities, and numbers, but we are not dismayed.

We have carefully perused the addresses, and I am to observe on their contents in general, that the sentiments hardly rise to that height which we expect from men, sensible of their full claims to absolute and uncontrollable liberty, i. e. unaccountable to any power which they have not immediately constituted and appointed.

These are our sentiments, whatever may be yours, though in the present state of political knowledge it may be prudent not to avow them openly. We desire your sentiments on the means of accomplishing that object which we presume you have in view in common with us. We think it expedient that we should perfectly understand each other in the beginning, lest the appearance of disunion might furnish matter of triumph to our enemies. We observe one expression, which says, "Numerous other reforms would undoubtedly take place, &c. &c." But we ask, how is that parliament to be chosen? Can we expect it from the present order of things? Would not all the evil be done away at once by the people assembled in convention? Does it appear probable, that the odious laws which we complain of will be abolished any other way? Can the grievances arising from aristocracy be redressed, while the ——— retains its present authority in the legislature? Is the universal right of conscience ever to be attained, while the B——— maintain their seats on the ———.

Your thoughts on these important points we most earnestly desire may be transmitted to us as soon as possible: not directed as the last; we fear it will excite suspicion. Direct to Mr. ———, Stockport, who is chairman occasionally in the absence of ——— who resides too far from hence to be at hand on emergencies.—Yours, &c.

Copy of a Letter from Mr. Margarot to the Friends of Universal Peace and of the Rights of Man Society at Stockport.

London, 11th October, 1792.

Sir;—With infinite satisfaction the London Corresponding Society committee perused your letter: they are happy to learn your steady determination, spite of all obstacles, to pursue that sole means of political felicity, a perfect representation of the people.

With regard to our publications, our sentiments are expressed in as strong terms as prudence will permit, yet plain enough we imagine to convince the public that while we expect every thing from an honest and an annual parliament, nothing short of such a senate, chosen by the whole nation, will satisfy us.

True generosity, the characteristic of this nation, and of all unperverted men throughout the globe, calling upon us to countenance, at this juncture, the arduous struggle of the French nation against despotism and aristocracy those foes to the human race, we have resolved upon addressing the French National Convention.

Without entering into the probable effects of such a measure, effects which your society will not fail to discover, we invite you to join us; and to that end herewith you have a copy of our intended address; if you approve the idea, and will concur in sending it, be pleased to return us without delay a copy, signed by your president and secretary, or by the delegates stating each for how many persons, he signs, we will then associate your body with ours, and with some others who have already assented to the measure.—If, on the contrary, you disapprove that mark of zeal towards the only nation that has hitherto undertaken to restore to mankind its just rights, please to communicate to us your objections.—I am, sir, for the Committee of Delegates, yours, &c.

M. M. ch.

Copy of a Letter from the Editors of the Patriot to the secretary of the London Corresponding Society.

Sheffield, October 15th, 1792.

Sir;—Having nothing particular to commu nicate to your society at the time of the publication of our last number, we contented ourselves with a general acknowledgment of the receipt of your favour. We now gladly embrace this opportunity of especially thanking you for the same, and at the same time assuring you, that the communications you sent us shall appear in the next number of the Patriot.

We beg leave also to throw in our mite of commendation on the laudable spirit which you have evinced, in your intention to address the National Convention of France; and hope sincerely, that your example will be followed by all the societies in the two kingdoms, Ireland having already set the example.

Within these few days we have received a letter from the secretary of a society intended to be formed at Stockport, a very populous manufacturing town, only seven miles from Manchester, a copy of which we think it necessary to send you herewith, by which you will see the unjustifiable opposition which is making by the enemies to a reform, and the friends and tools of arbitrary power, against the increase of those societies, and the attempt to crush and annihilate our efforts in the cause of freedom in the very bud. We thought it our duty to answer the letter immediately, in order to give them every encou

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ragement within the scope of our feeble abilities; and herewith also send your society a copy of our letter on that occasion; but we are apprehensive that the voice of a few individuals may not have weight enough to answer the wished-for end, of inspiring them with sufficient confidence to persevere. We hope your society will also give them your sanction, advice, and support, as it will be in vain for the friends to reform to contend with the tremendous host of enemies they have to encounter, unless they firmly on all occasions stand by and succour one another.

It is with the greatest satisfaction we announce to you, that several societies have been formed within the last three weeks in Edinburgh, not less than seven or eight; and also that a patriotic print is about to make its appearance, under the direction of major Johnson, who is also president of one of the societies. We have received some most spirited communications from thence; and our bookseller has sent an order for 50 additional numbers of every publication of our work more than what was before in circulation, with an assurance that it was daily increasing in fame and demand for it. We clearly foresee that Scotland will soon take the lead of this country, and conceive it will be necessary to take the greatest care that an universal communication should be constantly kept up between the several societies, however distant, and that all should determine to act upon the same principle, and move together, as near as may be, in regular and active unison. It was by this method France became so thoroughly united; and we ought never to lose sight of it.

The Sheffield society has been lately revised and re-organized, and in a very short time they will present the public with an address, and a set of rules, regulations, and resolves, which I think will do them infinite credit.

We shall be happy to hear from your society on every occasion that may be agreeable and convenient; and any communications which in future they may wish to convey to the public through the medium of the Patriot, they may rely on it every attention and regard shall be paid to them.—We remain, with great respect, Fellow Citizen, Your's most respectfully,

The Editors of the Patriot.

Copy of a letter from Leicester to the secretary of the Society for Constitutional Information.

Leicester, 9th November, 1792.

Sir;—As I have not yet heard from you, I hope you will not omit my request, and forward every necessary particular by the first mail. We are to have our first adjourned meeting on Monday evening next; and I wish our secretary to be well prepared to meet every expectation, and every objection. We shall stand in need of a sort of creed for immediate publication.—I am, &c.

Copy of a letter from the Society for Political Information at Norwich, to the secretary to the London Corresponding Society.

Norwich, November 11th, 1792.

Mr. Secretary,—Sir; We, the Society for Political Information, are desirous of holding and strenuously supporting the noble sentiments which you so lately and friendly dispersed among us; and as we so much admire your well-adopted plan for a reformation in the state, permit us, with the utmost deference to your worthy society, to participate with you in all your great national correspondence, which your very name promises to maintain; and in consequence thereof, it is humbly desired, by the society which I have the happiness to represent, to incorporate three members with your worthy fraternity; in doing which I shall here inform you of their names and residence, which are as follows ——— ——— ——— Our principal design in doing this, is, that we may have an opportunity of knowing more exactly what may be thought the most eligible steps to be taken in carrying on this great business of our associated brethren, and to have an opportunity to ask such sort of questions as may be thought very reasonable among the brethren; especially when we think that publications are covered with a sort of obscurity in it, as the Sheffield people's declaration, which seemed determined to support the duke of Richmond's plan only; but since we find, in a printed letter received from them in a book, that they mean to abide by some moderate reform, as may hereafter be brought forward by the Friends of the People, which method is uncertain to us. Again, we find that the Friends of the People, and the Society for Constitutional Information do not exactly agree;—we could be glad to know the reason. It seems to me as though the difference was this;—The Friends of the People mean only a partial reform, because they leave out the words expressing the duke of Richmond's plan, and talk only of a reform; while the Manchester people seem to intimate, by addressing Mr. Paine, as though they were intent upon republican principles only: Now, to come closer to the main question, it is only desired to know whether the generality of the societies mean to rest satisfied with the duke of Richmond's plan only; or whether it is their private design to rip up monarchy by the roots, and place democracy in its stead. I shall now, sir, give you an exact account of what plan I could wish to obtain, which I have already moved for at our general meeting, viz. a full and equal representation of the whole body of the people; a general suffrage of votes, and annual parliaments. I remember the Society for Constitutional Information intimated to us that Mr. ——— used to write to them in the name of the Revolution Society: If you approve of that appellation,

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pray be so kind as to give us a full and satisfactory answer. I shall say no more at present, but remain a friend to peace, not to anarchy; a well-wisher to the Rights of Man, when obtained by consent; and your most obedient, &c.

Copy of a letter from Manchester to the secretary of the Society for Constitutional Information.

Manchester, November 13th, 1792.

Sir;—The Manchester Reformation Society being convinced that the cause of freedom will be much promoted by opening a correspondence with the different Patriotic Societies in this kingdom, have therefore thought it necessary to address your society for this purpose.

The cause of liberty goes on rapidly in this town; our society meets weekly, and we enter several new members every time. We should have heen more numerous had not the influence of the Aristocrats hunted us out of the public house where we met; but we hope this step will be no ways detrimental in the end, for we presently rallied our members, and took a private house to meet in, where we have met some time past: we are just going to publish a fresh declaration; and we have not the least doubt but when it appears it will be the means of increasing our society prodigiously.

We shall deem it as a great favour if you would send us any information that you may think worth communication, and may rest assured that we shall always be proud of any opportunity by which it may be in our power to return the favour.

(Signed) ——— ———
Secretary to the Reformation Society.

Please to direct to Mr. Gorse, No 7, Great Newton Street, near New Cross, Manchester.

Copy of a letter from Leicester to the Secretary of the Society for Constitutional Information.

Sir;—I sent a letter per mail as a parcel, requesting you to send me every particular requisite to enable us to establish a Constitutional Society at Leicester, similar to yours, and those at Manchester, Stockport, &c. Send me, if you please, all that is necessary by first mail: we want laws, orders, principles, creeds, addresses, declarations, resolutions, &c. I am, sir, (in great haste) your humble servant,

———— ————.

Leicester Nov. 15th, 1792.

Copy of a letter from Coventry, to the Secretary of the Society for Constitutional Information.

Sir;—At a meeting which was last week convened for the purpose of instituting a society for Constitutional Information, it was determined by the persons present to form themselves into a society for that purpose: as it was thought expedient that a plan should be adopted, which would be calculated to produce the object of the institution, the society resolved that they would apply to the Constitutional Society in London: and at their request I have now taken the liberty of soliciting you would be so kind as to transmit to us a copy of the plan of the Sheffield or any other society, which you may think best adapted to produce the end of the institution. Your compliance with the request will not only be a sanction to the institution, but will be attended with the salutary effect which results from such institutions.—I am sir, &c.

P. S.—Our corporation has been apprized of our intention of forming a Constitutional Society; and have threatened us with a prosecution; but we are determined to persevere in our intention. Coventry, Nov. 26th, 1792.

The inclosed hand bill, which we privately circulated here some time since, has so exasperated our corporation, that they now declare they will punish us with that rigour and severity which the proclamation has empowered them with.

Copy of a letter from the Secretary of the London Corresponding Society to the Secretary of the Society for Constitutional Information.

London, 30th November, 1792.

Sir;—I am directed by the committee of delegates of the London Corresponding Society, to send your society the inclosed copy of an address they are forthwith going to publish, as an answer to the sophistical address lately sent forth from the association for the preservation of property, &c. from the Inroads of Levellers and Republicans.—I am, &c.

———— secretary.

Address of the London Corresponding Society, to the other societies in Great Britain, united for the obtaining a reform in parliament.

Friends, and Fellow Countrymen;—Unless we are greatly deceived, the time is approaching when the object for which we struggle is likely to come within our reach. That a nation like Britain should be free, it is requisite only that Britons should will it to become so—that such should be their will, the abuses of our original constitution, and the alarms of our aristocratic enemies, sufficiently witness. Confident in the purity of our motives, and in the justice of our cause, let us meet falsehood with proofs, and hypocrisy with plainness; let us persevere in declaring our principles, and misrepresentation will meet its due reward—contempt.

In this view the artifices of a late Aristocratic association, formed on the 20th instant, call for a few remarks, on account of the declaration they have published relative to other clubs and societies formed in this na-

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tion. It is true that this meeting of gentlemen (for so they style themselves) have mentioned no names, instanced no facts, quoted no authorities; but they take upon themselves to assert that bodies of their countrymen have been associated, professing opinions favourable to the Rights of Man, to liberty and equality; and moreover that those opinions are conveyed in the terms, no king, no parliament. So much for their assertions.

If this be intended to include the societies to which we respectively belong, we here in the most solemn manner deny the latter part of the charge, while, in admitting the former, we claim the privilege, and glory in the character of Britons. Whoever shall attribute to us the expressions of no king, no parliament, or any design of invading the property of other men, is guilty of a wilful, an impudent, and a malicious falsehood.

We know and are sensible that the wages of every man are his right; that difference of strength, of talents, and of industry, do and ought to afford proportional distinctions of property, which, when acquired, and confirmed by the laws, is sacred and inviolable. We defy the most slavish and malevolent man in the meeting of the 20th instant to bring the remotest proof to the contrary. If there be no proof, we call upon them to justify an insidious calumny, which seems invented only to terrify independent Britons from reclaiming the rightful constitution of their country. We admit and we declare, that we are friends to civil liberty, and therefore to natural equality, both of which we consider as the rights of mankind. Could we believe them to be "in direct opposition to the laws of this land," we should blush to find ourselves among the number of its inhabitants. But we are persuaded that the abuses of the constitution will never pass current for its true principles; since we are told in its first charter that all are equal in the sight of the law, which "shall neither be sold, nor refused, nor delayed to any free man whatsoever." Should it ever happen that "right and justice" are opposed by expense, by refusal, or by delay, then is this principle of equality violated, and we are no longer free men.

Such are our notions of those rights which it is boldly maintained "are inconsistent with the well-being of society:" But let us not suffer men who avow no principles of liberty whose favourite cry is inequality of property, to estrange others of our countrymen from aiding us in serving the community, and from recovering to the nation that share of its sovereignty which has unhappily been sacrificed to corrupt courtiers and intriguing boroughmongers.

If our laws and constitution be just and wise in their origin and their principle, every deviation from them, as first established, must be injurious to the people whose persons and property were then secured; if at the revolution this country was adequately represented, it is now so no longer, and therefore calls aloud for reform.

If it be true that the people of Britain are superior to other nations, is it that our taxes are less burthensome? or that our provisions are less expensive? Is it from the various productions of our soil that we are rich? Is it owing to the majority of our numbers that we are strong?—Certainly not. France has the advantage in all these respects, and up to this period she has never been our superior in wealth, in power, in talents, or in virtue. But let us not deceive ourselves; the difference between us and that nation was formerly that our monarchy was limited, while theirs was absolute—that the number of our aristocracy did not equal the thousandth part of theirs—that we had trial by jury, while they had none—that our persons were protected by the laws while their lives were at the mercy of every titled individual. We therefore had that to fight for which to them was unknown—since we were men while they were slaves.

The scene has indeed changed—like our brave ancestors of the last century, they have driven out the family that would have destroyed them; they have scattered the mercenaries who invaded their freedom, and have "broken their chains on the heads of their oppressors." If, during this conflict with military assassins and domestic traitors, cruelty and revenge have arisen among a few inhabitants of the capital, let us lament these effects of a bloody and tyrannous manifesto, but let us leave to the hypocrite pretenders to humanity the task of blackening the misfortune, and attributing to a whole nation the act of an enraged populace.

As we have never yet been cast so low at the foot of despotism, so it is not requisite that we should appeal to the same awful tribunal with our brethren on the continent. May our enmities be written in sand, but may our rights be engraven on marble! We desire to overthrow no property but that which has been raised on the ruins of our liberty. We look with reverence on the landed and commercial interests of our country; but we view with abhorrence that monopoly of burgage tenures unwarranted by law or reason in this or any other nation in Europe.

Let us then continue, with patience and firmness, in the path which is begun. Let us wait and watch the ensuing sessions of parliament, from whom we have much to hope, and little to fear. The House of Commons may have been the source of our calamity; it may prove that of our deliverance. Should it not, we trust we shall not prove unworthy of our forefathers, whose exertions in the cause of mankind so well deserve our imitation.

(Signed) MAURICE MARGAROT, chairman.
———— ————, secretary.

London,
29th Nov. 1792.

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APPENDIX E.—Copy of a letter from the Constitutional Society at Sheffield to the secretary of the Society for Constitutional Information.

Committee Room, January 16th, 1793.

"Resolved, That a circular letter be immediately forwarded by this committee to every society in Great Britain (that is known to us) which has associated for the purpose of obtaining a reform in parliament, requesting each society to inform us in what manner they mean to come forward in support of their several declarations during the present session of parliament."

Sir; In consequence of the above resolution, we take the liberty of addressing your society, and of informing you that it is the opinion of this committee, that the sentiments and determination of every society in Great Britain ought to be explicitly known, and candidly declared, in order that such of them as coincide in idea on this great constitutional question may act in concert together; a circumstance which will greatly add to their strength and consequence, and which indeed appears to be indispensably requisite to be done without further delay.

We therefore beg leave to state, that in our opinion any reform will prove nugatory, or at least fall far short of the permanent and important advantages to the country and constitution which we have in view, that does not consist of a restoration of the right of universal suffrage (except of persons not of sane mind, under the age of twenty-one years, and those incapacitated by crimes) together with annual elections; and for the purpose of regaining these our rights, we propose to petition the Commons House of parliament this session, to take into their most serious consideration the present very inadequate state of the representation of the people of Great Britain, the various and great abuses resulting therefrom, and that they will take such speedy and effectual measures to remove those evils, and remedy the grievances consequent thereon, as to their wisdom shall seem most proper.

As the importance and magnitude of the question requires that no time should be lost which can possibly be avoided, we beg that your society will have the goodness to inform us how far our proposed plan meets with your approbation, or in what respect, and to what degree or extent, we differ.

At all events it appears highly necessary that the several societies in the kingdom should request to know immediately what are the express view and plans of "The Society of the Friends of the People," in order that they may be enabled to judge how far they shall be warranted in seconding and supporting the bill which Mr. Grey has given notice he means to introduce into the House of Commons, in the course of the present session, for the purpose of obtaining this great and desirable object.

Requesting an answer as speedily as possible—we remain, with the greatest respect, in the name, and by order of the committee, sir, your, &c.

———— ————, president.
———— ————, secretary.

Copy of a letter from the Society for Constitutional Information at Birmingham to the Society for Constitutional Information in London.

Birmingham February 6th, 1793.

Friends and Fellow Citizens,—The members of the Society for Constitutional Information established at this place, November 20th, 1792, take this opportunity of laying before you our printed address and declaration, and our rules and orders, which we have adopted from the Sheffield Society for our internal government; and to show our justice, our moderation, and love to all mankind, we desire your advice and assistance, that the general mind of our society may be formed unanimously to the best and most likely mode of obtaining our long lost rights as men free born, and as citizens by universal incorporation.

The interested and bigotted supporters of the exploded system of corruption are continually throwing obstacles in the way of all reform, and threaten us with rigorous prosecutions, and exhibit all the engines of power and tyranny before us for meeting to investigate the laws of our country, and endeavouring to obtain, in a legal and peaceable manner, the birthright of every Briton (viz.) an equal representation of the people in parliament; notwithstanding which numbers daily flock to the standard of liberty. We are determined, in spite of all base opposition, to persevere as we have begun, in the good cause, till we have obtained the desirable end, a redress of our grievances.

We sincerely thing the cause is of God, and that it would go on without our interference; but who can stand by an idle spectator, and see our fellow men struggling for us in the cause of liberty, and not have a wish to lend a helping hand in the humane and godlike work?

We ardently and sincerely desire to become instrumental in so good and great a work, the cause of liberty and of all mankind, both present and future.

The grateful thanks of our society are given to Mr. Horne Tooke, major Cartwright, Mr. Erskine, and the rest of the members of the Constitutional Society for Information in London, for their firm and manly support and perseverance in our common cause of liberty and good will to all mankind, and their steady purpose to obtain an effectual reform in the legislative house of the people, the Commons House of parliament.

Our society requests the favour of your admitting the following twelve persons, whose names are subscribed, to be enrolled

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members of your society, for the purpose of corresponding with yours and every other similar institution in the nation, for the better regulating our measures, and receiving instruction.

Wishing you all the success your laudable undertaking deserves—we are, with sincerity, your fellow citizens and friends.

[The names of the twelve persons mentioned above, and of the persons to direct to, are subjoined.]

Draft of a letter from Mr. Margarot to the Constitutional Society at Sheffield.

12th February 1793.

Gentlemen;—The London Corresponding Society defer answering your kind letter, until they shall have been able to ascertain the sense of the whole society on the matter. They mean likewise to confer thereon with all the other societies in London, and also, if possible, to collect the ideas of the unassociated, on an object so important to us all. I am, gentlemen, with esteem, your fellow labourer, &c.

Copy of a letter from the committee of the Friends of the People to the secretary of the London Corresponding Society.

Frith street, February 15th, 1793.

Sir;—I am directed by the Society of the Friends of the People, to acknowledge the receipt of your letter, dated 1st February, 1793. Having pledged ourselves by our public acts and documents to use every effort in our power for the purpose of obtaining a complete, substantial, and radical reform of the representation of the people in parliament, we never can be supposed to have surrendered to any other body of men the exercise of our own discretion with respect both to the plan which we deem most effectual for the purpose, and the time which we may think most favourable for offering it to the public; at present we think, that to make public our views on these subjects would be to furnish arms to our enemies, and to injure the cause in which we are engaged. The period however, is probably not very far distant when these particulars will be made known to the public; it is sufficient now to express our confidence that that moment will prove, by evidence more substantial than professions, that we will propose no plan of reform which is short of an effectual destruction of abuses in the representation of the people, and that we have honestly exerted every faculty we possess in choosing the time most favourable to the success of our plan.

We have learned, with affliction and indignation, the arbitrary and unconstitutional interruption of meetings of citizens, peaceably and lawfully assembled, for the discussion and maintenance of their rights. We have ever viewed with utter disapprobation, both of their principles and proceedings, the associations who have been the authors or instruments of this persecution. Their principles, we think are repugnant to the free spirit of the English law, and their conduct, we think, has been as injurious and oppressive as the principle of their institution is unconstitutional and absurd. But deeply penetrated as we are with these sentiments, we neither possessed power nor legal competence to interpose for the protection of an individual, suffering even under the most unjust prosecution. We cannot, therefore, feel ourselves blameable for inaction in cases of which the particulars were never laid before us, and in which it might have been perhaps impossible, and perhaps improper, for us to have interfered.

We do not think it necessary to make any particular remarks on those publications which you have put forth. We are not called upon to pronounce any judgment on the publications of individuals or societies; and however we may lament the grievances of which some of your publications complain, our efforts must necessarily be limited to the object of an institution, the creation of an organ to speak the public voice in legislation.

We cannot help expressing some surprise at the information that societies in different parts of the kingdom, who were solicitous about the nature and extent of our plans of reform, instead of expressing such solicitude to ourselves, should have chosen the indirect and circuitous channel of any other society. Had they applied to the Friends of the People directly, they would assuredly have received every information compatible with the prudence, and with a due regard to the success of our common cause.

On the subject of your correspondence with the National Convention of France, we freely communicated to you an opinion in our last letter. We see no reason to change the sentiments which we then expressed on the prudence and tendency of that measure; for though we not only "acknowledge," but avow with pride, "that to wish success to the cause of freedom is congenial to the heart of a Briton," yet we cannot think that men engaged in so momentous a cause as that of parliamentary reform are entitled to make public declarations, even of their most virtuous sentiments, in any manner which may injure that cause, serve the purposes, and strengthen the pretexts of its enemies. Far be it from us to treat with severity and rigour even those errors and indiscretions into which men may be betrayed by a generous zeal for the cause of freedom; but surely it cannot be denied, that the correspondence of societies in this country with public bodies in France has furnished the most specious pretences to interested men for confounding a virtuous sensibility to the interests of liberty in other countries, with a criminal intention to introduce disorder and civil commotion into our own; it is chiefly by the help of this pretext that designing men have so successfully prac-

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tised on the alarms of the public, and that timid honesty has been rendered the dupe and the instrument of corruption. But on this subject all further remark is now become unnecessary, as every good citizen must now feel himself precluded from all political intercourse with France (for a period which we earnestly pray may be very short) by a war, the principle of which we utterly disapprove: the inevitable evils of which we deeply deplore; and at the possible consequences of which we tremble.

Among the most wise and honest friends of liberty there must arise frequent differences of opinion and of conduct; and these differences, the natural effect of an independent judgment and an independent spirit, are perfectly compatible with mutual confidence and co-operation. When, indeed, designing persons avail themselves of such differences to sow distrust, and to insinuate suspicions against the characters and intentions of men, it is then only that they become pernicious and injurious. Against practices which might produce such a spirit of disunion and distrust it is surely almost unnecessary to warn the friends of liberty at a moment when our enemies are so formidable and so united. They have sacrificed all inferior interests and all former differences to their common interest in perpetuating abuses and corruptions. Let it not be said, that more generous motives have a less powerful influence on the human mind, and that the love of liberty is not able to produce that union among her friends, which in her enemies has arisen from the most abject and sordid passions.

It seems scarce necessary to represent to the London Corresponding Society the peculiar necessity of circumspection and moderation at a moment when the most venial indiscretion of the friends of reform is remarked with such malignant watchfulness, and converted into an argument against the cause of reform itself.

He must surely either be a secret enemy, or an unsafe and pernicious friend of that cause, who could prompt you to any thing that could be construed into indiscretion, or who would labour to sow distrust among the small number of those who now appear in behalf of freedom in England, at a period when a persecution is carried on against the friends of reform at home, and a war is commenced, which in its progress may combine the arms of England with those of powers engaged in a crusade against the general liberties of Europe.

In name and by order of the committee.

Draft of a letter from the London Corresponding Society, intended as an answer to the foregoing letter.

Sir;—The Committee of the London Corresponding Society have, at present, to acknowledge the receipt of your letter of the 15th of February.

With pleasure we perceive your society not unwilling to keep up a correspondence with us, yet, at the same time, we are sorry that you should appear to be hurt by the plain questions we put to you in our last—to ask of you what measures you mean to pursue in a matter which concerns us all, is certainly no ways calling upon you to surrender up to our society, or even to the public at large, your discretion—nor can we conceive that a body of men having pledged themselves to the public can be a sufficient security to that public to repose implicit confidence in them without being made further acquainted with the nature and extent of the plan you mean to pursue, in order that we the people may, if we approve it, co-operate with you—the extent of your proposed reform, we apprehend, is already determined upon, and we can discover no advantage likely to result from its secrecy—on the contrary, if we are to ask for ourselves the same thing which our friends mean to ask for us, the latter must receive their instruction from us, or we must be directed by them—in either case their must be no secrets. We further conceive, that the permanency of a reform must be founded on the acquiescence of the public, who, after maturely deliberating on every thing proposed, shall have found your plan the most useful, and the best that could possibly be laid down.—The business we are engaged in is of too important a nature to admit of reserve or disguise,—We will, therefore, by the frankness of our behaviour, show ourselves worthy the friendship of a society of honest men endeavouring to serve their country, and plainly tell you, our country correspondents did not desire us to inquire of you what you meant to do, but fairly asked us whether we thought you honest? Whether we thought you meant to serve a party or the nation? Whether we imagined you intended a partial or a compleat reform? Addressed in this manner to us, and blunt as those questions may appear, they have nothing in them which can possibly offend you, the people having always an undoubted right to scrutinize the character and principles of them who call themselves their friends, and as such avow an intention of bringing forward measures in which we are all so deeply interested.—As to the furnishing our enemies with arms by a disclosure of our intention, we cannot conceive that demands founded on constitutional rights can lose any of their force by being made public. Reason *(vires acquirit eundo)* to triumph requires only to be known; and as none of the people's demands are founded on fallacy, to take the enemy by surprise would be unworthy of the public champions, and, moreover, perfectly needless, when truth and reason must unavoidably bear down all before them without the assistance of guile.

Under the idea, that where you say "you neither possesed power nor legal competence to interfere for the protection of an individual suffering under the most unjust prosecution,"

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you allude to the case of our bill sticker: we must beg to set you right, and to inform you we never, as a society, sought the interference of any body of men; on the contrary, we are firmly persuaded, however hard such cases may bear upon individuals, they will eventually prove of service to the public, nothing having a greater tendency towards rousing the country from its too prevalent apathy with regard to stretch of prerogative and abuse of power.

As to our address to the French National Convention, we imagine it best to say no more about it at present, only that if it has furnished pretexts to designing men, it has only saved them the trouble of seeking excuses elsewhere; but such men, even without our aid, would have been at no loss; at the same time we are apt to believe the plan for war, if conceived before then, was by no means accelerated thereby—intended as preventatives, addresses might have been effectual if they had been more generally adopted; the only fault therein, that by a mistaken idea the addressers gave credit to the nation for a greater degree of energy than it really possessed. We agree with you that unity of sentiment was no way incompatible with diversity of opinion, and that the latter is natural to independent minds; with the same object in view, their mode of pursuing it will undoubtedly differ;—with caution, therefore, we will watch over those who wish to sow the seeds of unnecessary distrust among us, and will at the same time take good care that the doctrine of implicit confidence may not gain ground among us. Full as much as yourselves we plead the necessity of union among the friends of liberty, but lament that it is prevented, or at least retarded, in many instances by the same thing that promotes it among the enemies of reform, namely, interest; with them all their interest is for the continuation of abuses, while to some of us a reform must be attended with pecuniary loss, and many others would lose their employ, their daily bread, were it known they took an active part:—thus the same motive, assuming on one side the appearance of a virtue gives emulation to bad men, and on the other, in its vilest but most natural form, stays the progress of those who, with the best intentions, labour to save their country.

We thank you for your kind and prudent advice, enjoining us moderation and discretion at this critical moment, when every imprudence in the advocate is liable to be rendered prejudicial to the cause itself.

Draft of a letter from the London Corresponding Society to the Constitutional Society at Sheffield.

4th March, 1793.

The London Corresponding Society have at present to acknowledge your last, and to answer more fully your preceding letter.

With regard to petitioning parliament, we are unanimous in the opinion, that such a petition will not produce a reform; yet from many considerations we are now persuaded, that if every society in the island will send forward a petition, we shall ultimately gain ground, for as much as it will force the present members of the senate to repeatedly discuss the subject, and their deliberations, printed in the different newspapers, will most naturally awaken the public mind towards the object of our pursuit; the nation, once informed that a reform in parliament is sought for from different quarters, gives rise to debates in the House of Commons, and is acknowledged by every rank to be wanting, will begin to exercise their own reason on the subject; arrived at that period, we presume our business will be nearly accomplished.

Let us closely follow up our Nottingham brethren; let every society petition separately; let every week furnish a fresh petition, and afford a fresh debate;—we seek to open the eyes of the public: petitions on our part, and rejections on the part of the ministry, will effectually do it. We therefore highly approve of your idea, and will ourselves follow it up, and recommend it to all the other societies we correspond with; and withal we recommend to you that no time be lost in so doing.

With you we lament the evils of an imprudent and inconsiderate war, a war rather eagerly sought for the advancement of private ends, than carefully deprecated from considerations of public good—a contest unfavourable to this country, whether either France or despotism gain the upper hand. We join with you in gratitude to those worthy members of either House who have endeavoured to avert this national calamity, to whom we have likewise returned our public thanks—and we remain with sincerity and affection, your friends and fellow labourers,

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Copy of a letter from the United Societies at Norwich to the Society for Constitutional Information.

5th March, 1793.

Gentlemen;—It is with peculiar satisfaction we are favoured with your correspondence, not merely because you are so, although you are better fitted to diffuse knowledge, but because you are embarked in the same magnanimous cause, which demands with alacrity the attention of every individual, and it is with the utmost regret we see so many, either from ignorance or something worse, who are inimical to their own interest; for nothing contributes so much to support the oppressor as the ignorance of the oppressed, for which purpose the flood gates have been opened gradually, till by degrees the streams of corruption have nearly overflowed the land, such as bounty acts, borrowing qualification and septennial acts, besides standing armies, excise and tything laws with various others, too painful for reflection, without credit to the framers thereof, and with advantage to so-

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ciety. We do not presume to recapitulate these abuses for your information, but being experimentally acquainted with them, we wish to find out a method of redress. At present we see a great propriety in universal suffrage and annual elections, but we beg you will be obliging enough to inform us of what you have collected of the sense of the people by your correspondents.—We have to inform you, that our worthy Corresponding Societies of London have recently submitted three propositions for our investigation: first, whether a petition to parliament, or an address to the king, or a convention.

Permit us briefly to state our views for your revisal; and with respect to the first, we behold we are a conquered people; we have tamely submitted to the galling yoke, and resistance in the present circumstances is vain; we cannot, we cannot act the man, and as necessity has no law, we think ourselves under that degrading necessity to state our grievances to the House of Commons, with a request for redress, and should they refuse to grant our reasonable petition, we have still got (no thanks to them) a formidable engine, that will convey the insult to the remotest parts of the kingdom. As to the propriety of the second, we wish to submit to your superior judgment, and should esteem it a favour to be informed of the result, for at present we are dubious of its good consequences. Lastly, a convention, and oh! that the period were arrived; but in the present state of affairs, alas; it is impracticable; yet this is the object we pursue, and esteem any other means only in subordination to, and as having a tendency to accomplish that desirable end.

We wish to be in unison with our brethren and fellow labourers, and should be glad of any information as soon as it is convenient, and we beg your advice whether it is necessary, as soon as possible, to collect signatures to a petition for a real representation of the people, and by whom to present it; whether Mr. Coke, Mr. Burch, or any of the friends of the people; and whether it is attended with any expense.—Our members are both inimical to the business.

We can give you no accurate statement of the representation in our neighbourhood, only observe it is equally farcical here as elsewhere. To conclude with for all favours received, wishing you and success, and may heaven avert we subscribe ourselves, gentlemen, your, &c.

(Signed) ——— ———.

Note. Please to direct to ——— St. Mary's Church, Mr. ——— being no longer our secretary.—We have between 30 and 40 separate Societies in Norwich, besides many in the country villages.—

Copy of a letter from the secretary of the Society for Constitutional Information at Birmingham to the secretary of the Society for Constitutional Information at London.

Birmingham, March 25th, 1793.

Sir;—At the request of the Society for Constitutional Information I hereby acknowledge the receipt of your letter, whereby it appears that your society have acceded to our request, by electing the persons (whose names you were furnished with) as associated members in your society, for which we beg you to accept our united thanks, and best wishes that your society may go on to accumulate a mass of true patriots, whose principles may not be subverted by interest, or conquered by fear.

This society offers with gratitude their thanks and commendations to ———, esq. for the present accompanying your letter, but more particularly for his zeal in the cause of freedom, which cannot be promoted but by the free use of the press, which we trust will never be restrained from Britons. Another letter accompanies this, containing a few particulars, which we doubt not you will peruse with pleasure. Will write you further on that subject shortly. I am, &c.

———, sec.

Copy of a letter from the secretary to the Constitutional Society at Sheffield to the secretary of the London Corresponding Society.

Sheffield, Committee Room of the Constitutional Society, April 17th, 1793.

Sir;—I am desired by the committee to enclose you a printed copy of the petition agreed on by the inhabitants here, to be presented to the House of Commons, for a reform in parliament, and the address accompanying the same. Upwards of five thousand signatures are already affixed to it, and we have no doubt there will be at least as many more. I am, with great respect, &c.

———

Secretary to the Constitutional Society.

P. S. Having no direction to the Constitutional Whigs, Independents, and Friends of the People, and being desired by them "to convey future favours through the same channel as the last," which was by your means, beg you will send the other letter which comes directed to you by same post, to Mr. ———, secretary of said Society.

Copy of a letter from the secretary of the Society for Constitutional Information to the secretary of the United Political Societies at Norwich.

16th April, 1793.

Sir;—We have to acknowledge, with great satisfaction, the letter which you favoured us with, dated the 5th instant, relative to the most desirable of all other objects, the reform of a parliamentary representation. The honour you do us in supposing that we are better fitted than yourselves for the promotion of political knowledge we must disclaim, because we observe with the greatest pleasure that our country correspondents have too much zeal

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and information to want success in their public endeavours, whether at Norwich, at Sheffield, at Manchester, or elsewhere throughout the nation. In our sincerity for the good of our country we trust that we are all equal, and as such we doubt not of our ultimate success.

We see, with sorrow, the existence of those evils which you so justly represent as the streams of corruption overflowing this once free and prosperous country. We see, with surprise and abhorrence, that men are to be found both able and willing to support those corruptions. It is however no small consolation to find that others are not wanting, in every point of the nation, of an opposite character, who are ready to remedy, by all laudable and honourable means, the defect in our representation, the usurped extension of the duration of parliaments, and other grievances, such as you notice in your letter.

That the constitution of England has no more of that character it once possessed; that the supposed democracy of the country has become a matter of property and privilege, and that we have therefore no longer that mixt government which our adversaries are praising, when they know it is no longer in our possession, are facts notorious and indisputable. Where, then, are we to look for the remedy? To that parliament of which we complain? to the executive power, which is implicitly obeyed, if not anticipated, in that parliament? or to ourselves, represented in some meeting of delegates for the extensive purpose of reform, which we suppose you understand by the term convention.

It is the end of each of these propositions that we ought to look to; and as success in a good cause must be the effect of perseverance and the rising reason of the time, let us determine with coolness, but let us persevere with decision. As to a convention, we regard it as a plan the most desirable and most practicable, so soon as the great body of the people shall be courageous and virtuous enough to join us in the attempt.

Hitherto we have no reason to believe that the moment is arrived for that purpose.—As to any petition to the crown, we believe it hopeless in its consequences.—With respect to the last of your proposals, we are at a loss to advise. If the event is looked to in the vote which may be obtained from that body to whom this petition is to be addressed, which of us can look to it without the prospect of an absolute negative? In this point of view therefore it cannot require a moment's consideration. But if we regard the policy of such a petition, it may, in our apprehension, be well worth considering as a warning voice to our present legislators, and as a signal for imitation to the majority of the people. Should such a plan be vigorously and generally pursued, it would hold out a certainty to our fellow countrymen that we are not a handful of individuals unworthy of attention or consideration, who desire the restoration of the ancient liberties of England; but, on the contrary, it might bring into light that host of well meaning men, who, in the different towns and counties of this realm, are silently but seriously anxious for reformation in the government.

We exhort you, with anxiety, to pursue your laudable endeavours for the common good, and never to despair of the public cause. We are, &c. Signed by order, in the name of the Society for Constitutional Information.

——— ———, secretary.

Copy of a printed letter from the Constitutional Society at Sheffield to the Secretary of the London Corresponding Society.

Committee Room of the Constitutional Society, Sheffield, April 24th, 1793.

Sir;—I am desired by the committee of this society to transmit you the annexed Resolutions, and to ask the opinion of your society whether it may not be expedient for all the societies in great Britain to adopt similar resolutions, and to fix on a stated time to follow them up with petitions or remonstrances, or both, against the present impolitic and ruinous war.—We think a measure of this kind, coming from so many quarters of the kingdom at the same time, would not fail of having great weight; and the present lamentable state of the country demands that something effectual should be adopted towards its relief. Requesting as speedy an answer as possible, I remain, with the greatest respect, sir, &c.

——— ———, secretary.

Peace.—At a general meeting of the Constitutional Society of Sheffield, held on Friday the 12th of April 1793.

——— ———in the chair.

Resolved, 1. That peace is the blessing, and war the curse and scourge of nations; and that the present war is destructive of the happinesss, commerce, and liberties of this country; that our manufacturers and merchants already deplore its wretched effects; and that nothing short of an immediate peace can save this country from ruin.—2. That as the motives alleged by the executive magistrate for conducting war against the Republic of France no longer exist, we deem it improper that a defensive should be converted into an offensive war, and must eventually exhaust the revenues, and spill the blood of our countrymen.—3. That no provocatives or manifestoes of the French warrant us, during this unexampled crisis of public and domestic dangers, in the prosecution of an offensive war, which is now becoming, we dread, the war of kings, and not of their subjects.—4. That notwithstanding any previous insults we may have offered to the Republic of France, it does not behove the character of a generous government to pursue

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with vengeance those they hate and have injured.—5. That as our ally is by public authority declared to be no longer in danger, as her towns are repaired and garrisoned; and as the re-conquest of Belgic provinces form a potent barrier to any present projects of invasion on the part of the French, it is our opinion that the British troops ought to be recalled.—6. That as an alliance with the kingdom of France was considered by William Pitt as of the greatest importance to the commerce and happiness of this country, it is the opinion of this society that it ought to be renewed with the Republic of France, more especially to prevent the ambitious views of those confederate despots who, at Pilnitz and Pavia, agree to share the remnant of Poland, the spoil of France, and of European Turkey.

———— ————, chairman,
———— ————, secretary.

Copy of a letter from the secretary of the Constitutional Society at Sheffield to the secretary of the Corresponding Society in London.

Sheffield, Committee Room of the Constitutional Society, May 3d, 1793.

Sir;—I am desired by the committee to acknowledge the receipt of your last favour, and to thank you for the same. You will see by this, copies of the petitions which we sent you, that we have taken the step you so warmly recommend, and which indeed you might well suppose, after our circular letter on the subject, we ought not to omit doing. We did it as the act, not of the society alone, but of the whole town and neighbourhood. There were nearly ten thousand signatures to it.—We have sent you herewith several copies of the resolutions we have entered into against the war, which we beg you will distribute in such a manner as you shall think best for the purpose intended, and let us know, as soon as possible, how you approve them.—The direction you sent before is as good a one as you can have, to Mr. ————, at ————, Sheffield. By order, and in the name of the committee, I am, sir, &c.

———— ————
secretary to the Constitutional Society.

Draft of a letter from the London Corresponding Society to the secretary of the Friends of the People at Edinburgh.

London, May 17th, 1793.

Sir;—The London Corresponding Society eagerly seize the opportunity of Mr. ———— going back to Edinburgh, to request of your society a renewal of correspondence, and a more intimate co-operation in that which both societies alike seek, viz. a reform in the parliamentary representation. We are very sensible that no society can by itself bring about that desirable end; let us therefore unite as much as possible, not only with each other, but with every other society throughout the nation. Our petitions, you will have learned, have been all of them unsuccessful; our attention must now therefore be turned to some more effectual means.—From your society we would willingly learn them, and you, on your part, may depend upon our adopting the firmest measures, provided they are constitutional; and we hope the country will not be behindhand with us.—This war has already opened the eyes of many, and should it continue much longer, there is no answering for its effects on the mind of the people.—Our society has met with much persecution, nevertheless we go on increasing in number and political knowledge. Wishing you and our cause all success, we remain most cordially, sir, for the London Corresponding Society, your friends and fellow labourers.

———— ————, chairman.
———— ————, secretary.

Copy of a letter from the secretary of the Friends of the People at Edinburgh to the secretary of the London Corresponding Society.

Mr. ———— did me the pleasure to call on Thursday afternoon, and delivered your letter of the 17th current. I am much pleased with the contents of it, and shall lay it before the first meeting of our societies here, which however does not take place till Monday sevennight. I would have acknowledged the receipt of your favour by yesterday's post, but was too much employed in removing our household to another lodging to attend to any thing else.

If either you in England or we in Scotland should attempt separately the reform, which we, I trust, seek to obtain, we should by so doing only expose our weakness, and manifest our ignorance of the corruption which opposes our important undertaking. If we sought only the extirpation of one set of interested men from the management of national affairs, that place might be given to another set, without affecting the vitals of the system adverse to reform, these might be easily accomplished; but to cut up deep and wide rooted prejudices, to give effectual energy to the dictates of truth in favour of public virtue and national prosperity, in opposition to self and all its interested habits, and to withstand and overawe the final efforts of the powers of darkness, is the work of the whole and not of a part; a work to which mankind, till this awful period, were never adequate, because never, till now, disposed to fraternize, not merely, or only, I trust, from the sense of the common danger to which we are exposed, but from the enobling principle of universal benevolence.

I know no greater service that I can do to my country than to promote the union you so wisely desire; and I am happy to assure you that I have hitherto discovered no sentiment in our association adverse to the most intimate and brotherly union with the associations in England.

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I think the minds of all must, in the nature of things, be now turned to more effectual means of reform. Not one person was convinced of the necessity of it by the most convincing arguments of reason, together with the most unequivocal expressions of universal desire. What then is to be hoped for from repetition; I am only afraid that the bow in England against reform was so contracted that in returning it may break. You would willingly learn, you say, from us. I own that we ought to be forward in this. We have, at once, in great wisdom perfected our plan of organization; and if we were in the same independent state of mind as the people of England, we would be able to take the lead. The associations with you are no more I fear—excuse my freedom—than an aristocracy for the good of the people. They are indeed moderate, firm, and virtuous, and better cannot be; but we are the people themselves, and we are the first to show that the people can both judge and resolve, if undirected by faction, with both wisdom and moderation.

I have not a higher wish in the present exertions for reform, than to see the people universally and regularly associated, because I am persuaded that the present disastrous engagements will issue in ruin, and the people then must provide for themselves; and it would be unhappy, when we should be ready to act with unanimity, to be occupied about organization, without which however anarchy must ensue. We will not need but to be prepared for the event, to "stand and see the salvation of the Lord." Let us therefore take the hint given us by our opposers; let us begin in earnest to make up our minds relative to the extent of reform which we ought to seek; be prepared to justify it, and to controvert objections; let us model the whole in the public mind; let us provide every stake and stay of the tabernacle which we would erect, so that when the tabernacles of oppression in the palaces of ambition are broken down, under the madness and folly of their supporters, we may then, without anarchy and all dangerous delay, erect at once our tabernacle of righteousness. And may the Lord himself be in it.

How hurtful to the feelings of a reflecting mind to look back to the wretched state in which the Roman monarchy, enfeebled and broken by its own corruption, left the nations which it had subjected, like "Sheep without a shepherd;" they soon became a prey to every invader, because there was none to gather and unite them. Had they, foreseeing the evil, associated for mutual defence, no robber would have been able to enslave them; they would have given laws to all parties as well as to themselves; all separate colonies and nations would have sought their alliance; but not having virtue to associate, and heal the divisions, and root out the selfish spirit, which ambition-fostering governments procure to their subjects, they fell under oppressions, from under whose iron sceptre they have never yet been able to deliver themselves.

We may suppose an event which we deprecate; nay, should we not be prepared for every possible issue of the present unprecedented divisions of mankind, we have a right to be apprehensive of the abilities of our own managers, who are so afraid to depart from precedent, that like men of detail, they may be inadequate to the task of preserving the vessel from shipwreck, now grappling with danger, not only great, but new and uncommon. If the present ministry fail, who after them shall be trusted; it requires little penetration to see the anarchy and discord which will follow; it will be such that nothing short of a general union among the people themselves will be able to heal; haste, therefore, to associate, at least to be ready to associate. If then, such a broken state of things should take place, the civil broils that would necessarily ensue would soon subside before the united irresistible voice of the whole. Do not, I intreat you, hesitate, thinking such a work premature as yet; but a month, and then it may be too late. A malignant party may be already formed, and only waiting for the halting of the present managers; it will then be too late to seek to subject to deliberation, after a party has dared the act of rebellion. If you go no farther than separate meetings in different towns, we will not be able to confide in your confraternity, because while in such a state, you may be but the tools of a faction. We could have all confidence, and unite with all affection, in one assembly of commissioners, from all countries of the world, if we knew they were chosen by the unbiassed voice of the people, because they would come up with the same disinterested views and desires as ourselves, having all agreed to a common centre of union and interest; but we could not confide in fellow citizens who kept aloof from such union, and would not previously affiliate in one great and indivisible family.

In troubling you with so long an epistle I have at least shown my inclination to correspond. I have also hinted at things which appear to me the present subjects of consideration, because I am desirous of your opinion upon them. I have possibly wrote with too much freedom, but you will place it to account of zeal in the cause, and on this score discharge my design, which is disinterested and philanthropic. With sincere esteem and affection, I am, sir, your well-wisher,

W. SKIRVING, sec.

Copy of a letter from the secretary of the Constitutional Society at Leeds to the secretary of the London Corresponding Society.

Delegate meeting of the Constitutional Society.

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Leeds, May 30th, 1793.

Sir;—By request of the Sheffield Society, and having received directions from them for the purpose of corresponding with all the societies in England and Scotland,

We, the members of the Leeds Constitutional Society, in order to obtain the desired end of parliamentary reform, desire fraternal communication with the Corresponding Society in London.

We shall be glad of any information or instruction in your power on all occasions, and hope you will find the Leeds Society always faithful to the interests of the people; and tough they are but few, not exceeding two hundred, they are men, and are determined to exert their utmost in order to instruct their neighbours in their common interest.

With this we send you a copy of our address and declaration, and shall ever acknowledge all favours from you.

Wishing the cause of freedom, in which we have embarked, every degree of success. I remain, in the name and by order of the society,

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Copy of a letter from the secretary of the Constitutional Society at Leeds to the secretary of the Society for Constitutional Information.

Delegate meeting of the Constitutional Society.

Leeds, May 28th, 1793.

Sir;—By request of the Sheffield Society, that the Leeds Constitutional Society would correspond with all the societies in Great Britain and Scotland, and receive directions from them for that purpose,

We, the members of the Leeds Constitutional Society, beg leave to address these few lines to you, hoping that your paternal affection for your fellow mortals, of whatever description, may induce you to admit to fraternization a few poor mechanics, friends of liberty, but enemies to anarchy. Aristocratic tyranny and democratic ignorance seem to pervade and overawe the town of Leeds to that amazing degree, that in the general we are beheld more like monsters than the Friends of the People, and I believe that these six months past the ignorant part of the people (through the insinuations of the aristocracy and the priests) have expected us to fall on them and destroy them; but since the 11th of April last, the time we had the opportunity of publishing our address and declaration, and our steady and uniform conduct, the people begin to behold us with new eyes, and we begin to increase in our numbers, and we hope, ere long, the persons they took for their greatest enemies will be looked on as their best friends.

We have herewith sent you a copy of our address and declaration, and shall be glad if you think it worth your notice to correspond with a company of poor mechanics. We shall ever gratefully acknowledge all favours. Our numbers amount to near two thousand, and we constantly keep increasing, and, in general, are very regular in their conduct; but though through predominancy of the aristocracy they have been overawed, that they scarce durst tell their neighbours they were their friends; but I hope the clouds are dispersing, and the glorious sun of liberty is approaching to its meridian. I remain, in the name, and by order of the society, sir, yours, &c.

Secretary of the Constitutional Society, Leeds.

Draft of a letter from the London Corresponding Society, to the secretary of the Constitutional Society at Birmingham.

10th June, 1793.

Sir;—It is with singular satisfaction the committee of the London Corresponding Society received your letter; they are very glad to see the spirit of freedom springing up in Birmingham, and they make no doubt but that the zeal of your society, and the increase of your numbers, will soon do away the stigma thrown on your town by the unjustifiable behaviour of a church and king mob. We are entirely of your opinion with regard to the necessity of a general union; and we believe, as you do, that when once the country shall have so united, the Neros of the day will be forced to yield to the just demand of a long and sore oppressed people. — With pleasure we accept your proffered correspondence, and earnestly beg of you to let us hear from your society by every opportunity. We wish likewise you would point out to us some safe mode of conveyance for such informations and publications as we may think necessary to be transmitted to you. The post we no ways rely on, as many of our letters have already been intercepted.—If any of the members of your society should have occasion to visit this metropolis, we hope you will not let him come without a letter from you, and that while they stay here they will frequently assist at the meetings of our several divisions, and by thus associating commence an union which we hope soon to see spread itself all over Britain.—We will not enter into a detail of our grievances; we are equally well informed thereon, and all alike thoroughly convinced that nothing short of annual parliaments and universal suffrage can restore to to us that degree of civil liberty we are justly entitled to, &c. &c.

Copy of a letter from the Political Societies at Norwich to the secretary of the London Corresponding Society. Received 25 June, 1793. Answered 25 July, 1793.

Sir;—I lately received your letter from Mr.————, dated April 22d, which, through

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multiplicity of business, we have omitted to answer—hope you will excuse the delay. We also received your friendly letter, prior to that wherein you stated three propositions; first, a petition to his majesty, or to parliament, or a National Convention, and ordered one of our committee to answer it;—should be glad if you will inform me whether it was attended to;—I gave my opinion on the subject to the Constitutional Society of London, and found their ideas congenial to my own, viz. an address to the king—futile; a petition to parliament (as a conquered people)—tolerable; a National Convention (if circumstances admitted)—best of all. To what an alarming crisis are we arrived—the junto is formed and established,—the people become a prey, and (to adopt the phrase of an Hibernian apostate) are treated as the swinish multitude, except the privilege of fattening. Wars must commence at the caprice of individuals; people torn from their houses to be butchered; windmills must be attacked at the risk of being carried over and dashed to atoms; the nation drained of its sustenance to support a league, &c. &c. &c. Many epithets may with great propriety be applied, excepting such as Fox, Sheridan, Grey, Erskine, Lansdowne, Lauderdale, Stanhope, Paine, Priestley, Tooke, Wharton, Macleod, Barlow, Mackintosh, Cooper, besides many who have suffered under the iron hand of, &c.; and when the people have complained, and humbly requested a removal of abuses, they have been treated with insult. Alas! where is the majesty of the people? An indifferent observer would suppose it to center in stars and garters, ribbons and costly apparel, palaces, coaches and horses with all the trumpery of puerile amusement;—and were it not for their accursed consequences, we could bear with it;—but when we consider how many sweat and toil and starve to support it, how can we be persuaded but that there is a contrivance between the land owners and the merchant to hold the people in vassalage; for they eat up the people as they eat bread;—the influence of the aristocracy and hierarchy is become very alarming for they have absorbed and swallowed up the people; but a rumour is spread from the South, and it is terrible to tyrants,—it stings their mind,—it galls their flesh, and like Pashur, are a terror to themselves lest the people should assert their rights. Yours, &c.

Copy of a letter from the Hertfordshire Socicty to the secretary of the London Corresponding Society.

Hertford, July 5th, 1793.

Sir;—Owing to some mistake in the post, your letter did not arrive till after the meeting of the Hertfordshire Society in April last had taken place, I therefore had not an opportunity of laying it before the society till their general meeting of Monday last. I am directed by the society to acknowledge the receipt of your favour, and to assure you, that they shall be happy to co-operate with the London Corresponding Society for the attainment of the common object of parliamentary reform, so far as the views of the two societies are compatible; with regard to the rights of universal suffrage and annual parliaments, we do not pledge ourselves to demand them. Without however entering into reasoning on the subject, which would admit of much more discussion than the limits of a letter would allow, they are convinced that the common object of the two societies is the same, and that the mode in which they both wish to obtain that object is the same also, by constitutional means; they will therefore be happy in receiving any communication from the London Corresponding Society. Perseverance and union are the means by which parliamentary reform must be obtained. They shal not, they trust, be found deficient in the one, and are at all times disposed to cultivate the other. I have the honour to be, &c.

————, secretary

All letters to the society are to be addressed to ————, Hertford.

Copy of a letter from Tewksbury to the secretary of the London Corresponding Society.

July 6th, 1793.

Fellow Citizen;—Am commissioned by this society, as being secretary, to thank you for your favour of the letter and pamphlets—they are happy to find the existence of such associations as yours for the attainment of so laudable a purpose as that of a parliamentary reform, and hope to see them more general throughout the kingdom—they think it high time for the people in this country to look into things, and keep a stricter watch over their rights and liberties than they have hitherto, lest they should be undermined, especially when abuses so glaring are perpetually staring them in the face, which the most prejudiced and interested will not but allow.—As you wished to be informed respecting our society, shall give you a concise view of it. We call it the society for political and moral information—we have a set of articles for the conducting of it.—Monthly and quarterly meetings for the proposing of books, and settling the secretary's accounts—we take in a periodical work called the Patriot, and a town and country newspaper.—We have no correspondence with any society; but would gladly, were it not for the prejudice that prevails, which to be sure has in some measure subsided, and the smallness of our number; but however we shall be glad to receive a line from you when any thing particular occurs.—The burning of Thomas Paine's effigy, together with the blessed effects of the present war, has done more good to the cause than the most substantial arguments; 'tis amazing the increase of friends to liberty, and the spirit of inquiry that is gone abroad; scarcely an old woman but is talking politics.

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We have made the best use of your pamphlets. The society desire their respects and good wishes for your health, including my own, and remain, your fellow citizen, and co-operator in the glorious cause of liberty.

Copy of a letter from the secretary of the Constitutional Society at Leeds to the secretary of the Society for Constitutional Information.

Sir;—I am desired by the committee of this society to transmit you the annexed resolutions, and hope you will receive the same as a token of their respect, copies of which are sent to the several societies mentioned in the resolutions.—We have received a letter with a petition from Glasgow to his majesty, praying that he would take the present alarming state of the nation into his most serious consideration, and use the utmost of his endeavours to restore to us the blessings of peace, which I believe will be followed from Leeds with a similar petition, and if followed up from all other places, perhaps, might have the most salutary effect. I am, &c.

Leeds, ———— ————.
July 21st, 1793.

Leeds Constitutional Society.—At a meeting of Delegates of the said society, on the 26th day of June instant;

It was Resolved, That the thanks of this society be given to Charles Grey, Esq. and the rest of the illustrious minority who supported his motion on the 6th and 7th of May last for a parliamentary reform.—That the decision of the representative body on the above motion should only act with the people as a cementer of the bonds of fellowship and unanimity; and that this society think it their duty, and are determined in conjunction with all the societies in Great Britain, to persevere until they have obtained the object of their association.—That the thanks of this society be given to the society of the Friends of the People, for their laborious endeavours to procure information on the subject of parliamentary reform and for the publication of the same, as well as the liberal present lately received from them, and to the different societies which have expressed their desires for affiliation with this society, particularly those of London, Sheffield Birmingham, and Glasgow.—That the secretary do notify the above resolutions to Mr. Grey, and the several societies respectively; and that these resolutions be published in one of the Leeds and one of the London papers.

———— ————, president.
———— ————, secretary,

Draft of a letter from the London Corresponding Society, to the secretary to the Political Societies at Norwich.

London, 25th July, 1793.

Fellow Citizen:—The London Corresponding Society have received and read with pleasure your letter of the 25th of June, but the answer which you mention to have been made to our three questions has not yet come to hand. We shall be glad to be informed in your next whether it was ever put in the post office.

With regard to the questions themselves, however individuals may have made up their minds on them, the public seemed most to approve the mode of petitioning parliament. We accordingly acquiesced, and sent in a petition, signed by near 6,000 persons. With this letter you will receive a copy of it; and with its fate you are doubtless not unacquainted.

While we agree with you that the people are treated like swine, we are forced to acknowledge that some among them, from their sloth and ignorance, scarcely deserve better usage; however, unceasingly labouring to meliorate their condition as well as our own, and convinced that a thorough parliamentary reform is the only means of effectuating it, we firmly pursue our purpose, and in the most conspicuous manner, under the eye of the court, in the middle of the metropolis, and in the very nest of place and pension hornets, the tavern where Reeves, the tool of the junto, holds his inquisitorial tribunal, have lately held a general meeting of the society sent forth an address to the nation, and entered into some spirited resolutions, a few copies of which we desire you to accept and promulgate as far and as wide as you can; at the same time rest assured that the firmness displayed therein is not confined to words, but that on every occasion our society will be found foremost in asserting and recovering the liberties of their country.

Exhorting you, therefore, to throw aside all unavailing complaint, we wish you to occupy yourselves in instructing the people, in introducing and maintaining order and regularity in your own society, and in forming a junction with all others associated for the same purpose throughout the nation, by keeping up a constant correspondence with them; but, above all, orderly and courageously preparing yourself for the event; for as it is natural to suppose that those who now prey on the public will not willingly yield up their enjoyments nor re-possess us of our rights without a struggle, which, by their behaviour in Ireland, we have some reason to think they are meditating, and perhaps may intend to effect by means of those very foreign mercenaries who are now paid with the sweat of our brow, and whom, under some plausible pretence, it would be no difficult matter to land on our shore.—It may be more advantageous to humanity to show them at first, that their opponents are neither mob nor rabble, but an indignant oppressed people, in whom is not yet entirely extinct the valour of their forefathers.

Union and increase being then our only resources, let us diligently exert ourselves therein with zeal and patience, removing igno-

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rance and prejudice, with firmness and a consistent behaviour encouraging those who join us; and above all, avoiding little bickerings among ourselves, ever discountenancing selfish jealousies and private animosities, and cordially joining with heart and hand in the common cause.

Your neighbourhood must severely feel the dreadful consequences of an iniquitous, depopulating, and ruinous war, but you are not the only sufferers; from various parts of the country we learn that the war abroad has already spread desolation at home; yet such is the blindness of some folks, that they talk of its being continued for years. Peace we wish to all men, but to such friends destruction. Let us hear from you soon, and let our future correspondence be more regular. We are, with sincerity, fellow citizen, for the London Corresponding Society as—your friends and fellow labourers for the good of our country, ———

———

Draft of a Letter from the London Corresponding Society to the secretary of the Constitutional Society at Leeds.

30th July, 1793.

Fellow Citizen;—The London Corresponding Society have at once to acknowledge the receipt of your letter of the 30th May, and to apologize for not having answered it sooner; but by accident it was for some time mislaid, and the multiplicity of business upon our hands occasioned a still further delay.

Highly approving of the directions given you by the Sheffield Society for Constitutional Information, to correspond with every society in Great Britain, we joyfully accept your overture, and shall not in future fail to improve the acquaintance; at the same time, being inhabitants of the metropolis, and forming a society which has undergone some degree of political warfare, and thereby acquired experience, we will, as occasion offers, most fraternally give you every advice and information in our power; but as you already have the assistance of the Sheffield Society, there will remain little for us to do that way.

Let not the smallness of your number deter you from arduously pursuing your plan. Reason makes sure though slow progress, and having once gained a footing in the human mind can never be eradicated.

Your address and declaration have likewise been mislaid, and as yet we have been unable to recover them, therefore beg you will, with your next, send us another copy.

To return to ourselves, we have made a stand against the place and pension clubs; we have been abused in the senate, calumniated in public, persecuted in private, and worried out of public houses, yet (we continue meeting numerously entire) our demands are such that no one has dared to deny their consonance with the principles of the constitution, and our doctrine makes numerous proselytes, and greatly increases the number of those who may with truth be styled the friends of their country in particular, and of mankind in general. We petitioned parliament, and they were forced to admit our petition, although they would not grant what it required; in short, we strengthen so much that on the 8th of this month we had a general meeting of the society at the Crown and Anchor Tavern, the very place where Reeves and his accomplices meet.—He met there at the same time, in a room under us, and, together with his associates, swallowed a copious draught of mortification in seeing our meeting so well conducted and so numerously attended; we say numerously, for having limited the number of admission tickets to 700, many who had been dilatory in providing themselves were unavoidably excluded.

Inclosed you have copies of our petition to parliament, of our two first addresses, of our correspondence with Mr. Francis, of Mr. Wharton's motion in the House of Commons on the 31st May, and of the address to the nation, and the resolutions we published at our ——— general meeting. You will therein discover all that we wish to obtain, and what we will fully obtain ere we cease to be a society, notwithstanding the attempt now making in Ireland and meant to be introduced into Great Britain. We invite you most cordially to co-operate with us, and even, if our rules and pursuit meet your entire approbation, and you have no particular attachment to the name you have adopted, it might advantage the cause were you to incorporate yourselves with us, and go under one common denomination. This however is only an idea thrown out for your consideration. You are at perfect liberty to notice it or not. We are with sincerity your fellow labourers, &c. &c.

Draft of a Letter from the London Corresponding Society to Hertford.

London 31st July, 1793.

Sir;—Your letter of the 5th instant we have laid before the London Corresponding Society who, sincerely anxious to promote the cause of freedom and humanity, by uniting and corresponding with the friends to reform, directed us to answer you with all convenient speed; but business multiplying fast on our hands, both from the rapid increase of our own society, and from the vast number of country societies weekly starting up, and who require at our hands a regular correspondence we have been prevented from being so exact as we could wish: the latter impediment however is far from inauspicious, as it may fairly be attributed to the diffusion of political knowledge causing men more seriously to reflect on the ruinous measures now pursued, which become more unpopular proportionally as they become more unwise.

We receive, with pleasure, your assurance of co-operating with us for a reform in parliament, an object to which all our endeavours

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tend, and on which our hearts are invariably fixed: but as your declaration, that "you will not pledge yourselves to demand universal suffrage and annual parliaments," is followed by no specific plan of reform of your own we are under some difficulty how to conclude—perhaps, as strangers you write to us with that prudent reserve which is sometimes necessary; and that idea receives strength from your appearing afterwards convinced that the common object of the two societies is the same, which we readily admit; but as mutual confidence is the basis of union, and the only rational pledge and support for co-operative exertion, we trust your next will do away every difficulty.

With respect to universal suffrage and annual parliaments, a mature conviction of their justice and necessity for the preservation of liberty and prosperity to the great body of the people, and for securing the independence of parliament was our primary inducement to associate. We therefore candidly assure you that these our principles, as already announced to the public, remain immutable. Unconnected with any party whatever, we can consider no reform radical but such as will enable every individual of the community to enjoy the advantages thereof equally with ourselves; for if ignorance of the nature of government, or the merits of the candidates, be an argument against universal suffrage, as our opponents pretend, the same reasons would equally incapacitate a great majority of those who now enjoy that privilege, to the exclusion of very many thousands much better informed than themselves—not to mention, that under a more equalized mode of government, the people would be at once induced and empowered to improve themselves in useful knowledge.—In a word, we know no principle, consistent with justice or reason, by which we could exclude conscientiously any part of the community from an equality of rights and privileges, which every member of society, as he contributes to its support, ought equally to enjoy.

With respect to annual parliaments, we will just remark that good members may be re-elected, whilst twelve months we think fully sufficient for the welfare of millions to remain at the mercy of a bad representative.—Having thus unequivocally stated our principles, we shall conclude by observing, that the bill just passed in Ireland is of a nature to awaken the jealousy of every friend to freedom and humanity, will render every exertion justifiable, should a similar attack upon constitutional freedom be attempted here. We shall be happy to unite in the closest bonds of union with the Hertford Society, and hope as they have no party views that in a very short space of time they will think entirely as we do on the subject of parliamentary reform. We are &c. &c.

On the 8th of July, we had a general meeting of the society at the Crown and Anchor Tavern in the Strand. Reeves and his associates were at the same time in the room beneath us. We send you a few copies of the address that was then published.

Draft of a Letter from the London Corresponding Society, to the Tewkesbury Society.

London, 3rd August, 1793.

Fellow Citizens;—Your letter of the 6th July has been laid before the committee of delegates of the London Corresponding Society, and it is with great pleasure they see an infant society starting up in your part of the country. Go on and prosper; no assistance shall be wanting on our part as to information, instruction, or any other thing in which we can be useful to you—we herewith send you copies of most of our publications since we have been a society—may they be of service!

We recommend to you to peruse attentively our first address and the rules which are annexed to it; it likewise will be advisable for you to abide entirely, by a thorough parliamentary reform, as is therein expressed, and to pay great attention to the instruction of your neighbours in their political rights, for which purpose weekly meetings, if they could conveniently take place, would prove more advantageous than your meeting only once a month; and if you thought it might facilitate your progress the London Corresponding Society empower us to inform you, that they will willingly incorporate your society with ours, under the title of the Corresponding Society in Tewkesbury; and if so, our rules will become yours, our intelligence will be the same, and our correspondence weekly and regularly carried on—but then our mode of proceeding must be entirely alike, and no reserve must take place between us.—We imagine some other societies in other parts of the country will fall into the same plan, and it need not be pointed out to you how much more forcible such a junction would render every thing that comes from us; but before you do it you must acquaint us with your design, in order that we may give you every instruction necessary. Farewell, fellow citizens, and firmly rely on the assistance and sincere friendship of the London Corresponding Society, in so good a cause.

Your's sincerely.

Draft of a letter from the London Corresponding Society, apparently intended to be sent to different societies.

London, 15th, August 1793.

Sir.—The London Corresponding Society, after so long an interruption in their correspondence with you, anxiously wish to renew and to render it more interesting, firmly persuaded that the connexion between the different societies in Great Britain cannot be too closely cemented—to that end they beg you will point out a safer mode of conveyance for our letters

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than the post, and wish you, in answer to this, to give us the fullest account of your progress, and of the state of affairs in your department. Continuing in a slow but steady pace the career which we have begun, we are nearly certain, that although the number of our members do not increase so rapidly as from the population of the metropolis we might have expected, yet our principles make their way among the public, and many thousands, who, from connexion, interest, &c. may be afraid or cautious of joining us overtly, notwithstanding are our staunch friends in private. —You very likely do not labour under the same difficulties that we do, who are situated in the very centre of corruption: and we have no doubt but that the increase of your society keeps pace with the increase of those national calamities which ever must result from an unjust war.

Viewing with indignation the oppression so generally exercised all over the nation, against every individual suspected of favouring the cause of the people, and lamenting the gross ignorance under which the people in general labour, with regard to their rights and duties when called upon to serve on juries, we have determined to re-publish, with the addition of a few notes, and an appendix, a most excellent pamphlet, which made its first appearance about one hundred years ago, and was written by that eminent lawyer and honest man, sir John Hawles, solicitor general to king William, we therefore wish to know whether your society would be inclined to circulate a number of them in your neighbourhood, and, if so, you will not delay to give us your orders for as many as you would have sent you; and as we seek merely to defray the expenses of the printing, the committee have fixed the price so low as 25*s.* per hundred. Entreating you to give us an early answer, we remain, for the London Correponding Society.—List of societies annexed, viz.—Derby;— Stockport:— Manchester, ref.;— Manchester, const.; — Sheffield, const.;—Nottingham.

Copy of a letter from Coventry to the secretary of the London Corresponding Society.

Coventry, 20th August, 1793.

Citizen————; I received your favour together with the printed resolutions of your respectable society, on the 11th. I did not arrive here only on the 10th at night, not being able to leave Birmingham before that day Please to inform your society that I believe I may be able to establish a society in this despotic town.—We have drawn up our address, declaration, resolutions, and are ordered to be printed, which I hope will be done this week. We have adopted your last resolutions, which you favoured me by the post. I will bring these printed with me to London, as I hope to visit your society as soon as I can leave this society in safety.—They want strengthening, and will have a public meeting next Tuesday, and we expect much opposition from the corporation: and as I am chose president, I will wait to receive the hire of this ministerial badge of corruption. I shall be glad if your society could send an encouraging letter to this infant society by that time,—I remain, with the greatest regard and esteem, your society's friend and brother, labouring in the field of reform, unsolicited by any party whatever.—I am, dear citizen, in the greatest sincerity and truth, your fellow citizen and friend to the human race.

P. S. You will, no doubt, exhort them to fear no power of corruption, let those powers be ever so great; but to pursue the reform with a manly and steady perseverance, unitedly with every similar institution in Great Britain, and let us not suffer our society to perish, but rather let us all die together for the good of our brother man; fearing no persecution whatever on the side of corruption, or that ministerial vengeance can bring against those who are using their utmost exertions in the common cause of freedom, or are promoting love and good will to the human race. N.B. I shall be obliged to you if you will be so obliging to provide a room in some private family for myself and wife, at a moderate expense. I wish to be in London in fourteen days.

Draft of a letter from the secretary of the London Corresponding Society to Mr. Skirving.

London, 5th October, 1793.

Dear Sir;—With pleasure I peruse your favour of the 2nd instant; but as yet have seen nor heard nothing of the two copies of Mr. Muir's trial, which you mention as being sent to the society, and to myself. Be kind enough, notwithstanding, to return that gentleman thanks for his polite attention; and assure him, that we view him in the light of a martyr to freedom, as well as Mr. Palmer; and that our warmest hopes are, that the oppressors of mankind will either be ashamed or afraid of carrying their revengeful malice into execution.

The general convention which you mention appears to Mr. Margarot (to whom alone I have communicated your letter) and myself, to be a very excellent measure, and as such I could wish you without delay, to communicate it officially to our society, without any ways mentioning that you had written to me privately. If in your official letter you should require us to send a deputation to that meeting, I have no doubt but our society would with pleasure accept the invitation, and I am persuaded it may do much good. Our freedom, as you justly observe, depends entirely upon ourselves, and upon our availing ourselves of this opportunity, which once lost, may not be so soon recovered.—I am glad to discover by your testimony that I was no ways mistaken in the high opinion I always had of

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lord Daer's patriotism. A title may be a bar to disinterested patriotism; but it seems, he has evinced it to be not an insuperable one.

You are right—it is true that we have had another general meeting, at which a hastily composed and suddenly produced address to the king was read, applauded, and agreed to be presented; but on a cool revisal, the said address being found to be more ill natured than spirited, more dangerous in its language than advantageous in its object, besides being too long, the committee, with the approbation of the majority of the society, have adopted another, much safer, more apposite, and relating solely to the war. Enclosed you have a copy of it. But you were misinformed when you were told we passed any resolutions at that meeting, for we only came to one, and that rather of a private nature, namely, "That the conduct of sir James Saunderson, in preventing the meeting of the London Corresponding Society at the Globe Tavern, Fleet-street, was of such a nature as to place him below our censure." I am, most sincerely, your fellow labourer and well wisher,

P. S. Mr. Margarot desires to be remembered to you in the most affectionate manner. Do not in future, on the address of your letter mention any thing of the (London Corresponding society) for it was a thousand to one that I received that letter by post.

Copy of a letter from Coventry to a person in London.

Coventry, October 23rd, 1793.

Citizen————: The reason I did not answer your letter of last week was this: I thought you would like to be informed how our society was going on, therefore I yesterday called a meeting at Hewit's which was last night well attended, and several new members admitted; and I am informed by some of the members, that we shall have many more candidates for admission next night. My expectations of our success in our new enterprise becomes more sanguine than ever. I have received from Mr. ———— two letters, and a parcel of their publications, which I distributed last night, likewise those which we received by you from the London Corresponding Society, for which our society desired I would return their thanks to citizens———— and————. I intend to send inclosed in a box to-morrow evening, by Balloon coach, about 50 more copies of our addresses to citizen————, in order that he may dispose of them among the different divisions of the Corresponding Society; I shall likewise inclose a few addressed to Mr.———— secretary to the Constitutional Society, London, which we shall be obliged to you to present to him, and request him to sanction our efforts in the public cause with their correspondence. I shall likewise send you your umbrella, carriage paid, by the coach to-morrow evening. Shall be obliged to citizen———— if he could favour us with a few more of their publications, particularly their "Address to the Nation" and likewise a few of the songs which begin with "God save the Rights of Man, &c." I am &c. &c.

Copy of a letter from the secretary to the Constitutional Society at Sheffield to the secretary of the Society for Constitutional Information.

Sheffield, Committee Room of the Constitutional Society, November 1st, 1793.

Sir:—Your letter, and the resolution of the society for Constitutional Information in London, are this moment delivered to me by Mr. Ashton, in answer to which I sit down instantly to inform you that the society has already transmitted its sentiments to the secretary of the Convention at Edinburgh, Mr. Skirving, and declined sending a delegation for reasons which I will transcribe in the words of our letter—"That it would have given this society the most heartfelt satisfaction to have had a delegation present at their approaching convention, had we received timely notice of their wishes that it should be so—but it unfortunately happens, that all the gentlemen belonging to the society, which it would choose for so important a business, are so previously engaged in affairs which they cannot possibly postpone in so short an interval, that it is not in our power to comply with their requisition on the present occasion. "This society are also of opinion, that to give such a measure its full effect, it would be necessary that the other societies in South Britain should have communication with each other on the subject, and be able to ascertain that deputations would be sent from at least a majority of the societies in this part of the kingdom. And to evince that we should be happy to unite our efforts with theirs in one firm and settled plan, we assure them, that if they think proper to fix another meeting in January or February, or any other time which may be more agreeable, and give us immediate notice thereof, and that they wish to see delegates from the several societies in this part of the kingdom, we will write to all those we are in correspondence with, to get such a delegation as may be truly respectable and important."

The above extract will evince to you, sir, and the society for Constitutional Information how far your proceeding meets with our approbation. There is a worthy member of this society and of the committee, and I believe also of the committee of twelve, admitted into your society, citizen Alcock, now in London, and I doubt not but he has, before this will reach you, given you the whole information, herein contained; but so scrupulously exact am I in answering every letter on public business, that I will not trust to him, though I know he is particularly desirous of being introduced to you.

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I was chosen secretary, *pro tempore*, to answer the letter from Mr. Skirving, and therefore continue the office thus much farther, not to keep you in suspence, as the committee will not meet again before Wednesday next, and two or three of the members who have seen your letter before I did, sent to request I would do so.

I cannot close this letter without remarking that all the societies we are in correspondence with, have been remarkably remiss in their communications for several months past; to many we have addressed more than one or two without receiving any answers. This society has been very active, and particularly in publishing, by which several individuals have suffered considerably, as the burthen has fallen chiefly on them. We have many thousand members, but a vast majority of them being working men, the war, which has deprived many of them of all employment; and almost every one of half his earnings we have been crippled more than any other in the kingdom.—We have the satisfaction to know that we have done great good, but I fear we must content ourselves with good intentions and wishes in future, as our funds are not only exhausted, but the society is considerably in debt, and that debt must fall on a few who have stood forward on every occasion with their zeal, their active efforts and their credit.

It appears to me, that if the societies do not become more active, and more united in their efforts in the time to come, what they have done hitherto will be rendered useless, and arbitrary power will trample on all that is dear and valuable to freemen. The measures lately adopted in the sister kingdom, measures as opposite to, and incompatible with a free constitution as fire and water, and since followed up by the most slavish and horrid doctrines in the courts in Scotland, have hitherto been viewed only with a degree of apathy by the great bodies of the kingdom, which we little folks in the country look up to for examples, styling themselves patriotic, such as "The Society for Constitutional Information in London," "The Friends of the People, ditto," "The Friends to the Liberty of the Press," that we begin almost to think here, it is time to nip those buds of freedom which were beginning to blossom with so much luxuriance, lest they should be exposed to the danger of being blighted by those torpid frosts which appear to have chilled every animating influence in those great barriers which we looked to for defence and protection.

I assure you, my good sir, nothing is further from my intention than to give the smallest offence—I am a staunch democrat, and speak my mind freely; and I hope you will consider what I have hinted at the supineness which appears at present to possess too great a sway, as merely the effect of that warmth and zeal for the great cause we are both strenuous to support and forward, the cause of freedom and parliamentary reform. I am, &c.

Copy of a letter from the secretary to the Constitutional Society at Leeds to the secretary to the Society for Constitutional Information at London.

Sir;—Your's of the 29th I received, and laid it before the committee of the Leeds Society on Monday the 4th of this instant. It is with great satisfaction we read your letter, and approve of your having elected your delegates to serve upon such a laudable an undertaking: but if you meant for the Leeds Society to adopt the same measures, shall be glad if you will answer this immediately; as we are not acquainted with the time of their sitting we fear our delegates would be too late. I am, sir, &c.

Quarry Hill.
5th Nov. 1793.

Copy of a letter from the secretary of the Society for Constitutional Information at Birmingham to the secretary of the Society for Constitutional Information at London.

Sir;—Your favour of the 20th ult. came safe to hand, and was read in a committee of the society on Sunday evening; and on first reading it obtained the approbation of every member present.—This society will, at all times, concur with you in any measure that may have a tendency to hasten the return of departed liberty.—Our sentiments on that subject are mutual with yours, and unchangeable. The object of the mission of your delegates being of the utmost importance to the people of this country, and so intimately connected with their dearest interests, that one would imagine they would not hesitate a moment in support of the measure, from a consciousness that upon the success of the exertions of the Friends to Reform depends the regeneration of Britain from a state of slavery to a state of freedom and happiness; and the exaltation of Burke's swinish multitude to the dignified character of freemen. We have only to regret that at present our ability will not allow us to co-operate with you, by sending a delegate ourselves, in consequence of Mr. Pitt's war of humanity having almost utterly annihilated our trade in this town, and driven a great number of our best members and mechanics across the Atlantic; and those that remain are but little better situated than the wretched inhabitants of Flanders. However, upon the whole, I believe it will be productive of good, as it has tended greatly to abate the pride, assuage the malice, and confound many of the devices of the enemies to reform, particularly among the dons of church and king. And, finally, it has made many proselytes to the cause of liberty.

Please to accept our best wishes to you and your society; and permit me to remain, in the

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name and behalf of the Birmingham Society for Constitutional Information, sir, &c.

——— ———, secretary.

Nov. 6th, 1793.

P. S. Shall be glad to hear from you on all occasions.

Copy of a letter from Coventry to the Secretary of the Society for Constitutional Information.

Sir;—In answer to your favour of the 29th of October, containing a copy of your resolution of the 28th, relative to the election of delegates, I am desired by our society to communicate to the Society for Constitutional Information, London, their approbation of a measure which we conceive peculiarly calculated to accelerate the acquisition of the object proposed. I am, &c.

———, secretary.

Coventry,
Nov. 19th, 1793.

Copy of a letter from the secretary of the London Corresponding Society to Norwich.

London Corresponding Society, Nov 23rd, 1793.

Fellow Citizens;—You have been already informed, by the correspondence subsisting between the respective divisions of the patriotic Societies in England and Scotland, of the Convention called and now sitting in Edinburgh, for the purpose of obtaining a speedy and radical reform in the system of parliamentary representation: and you are also in possession of the circumstances of our having sent two delegates (——— ———) to represent our increasing society in that respectable assembly. The society for Constitutional Information also elected two representatives (——— ———) the latter only of whom has gone to Scotland for the discharge of his important mission.

Citizens, the object of our present letter is to inform you of the important communications which our mission has already produced. The spirit and resolution it has diffused through the respective societies in Scotland—the rapid increase of the avowed friends of liberty, which has already made its appearance, and the prospects which have been opened before us of the most complete union, the most determined perseverance, the most active exertion in every constitutional measure, that can be devised for the recovery of our rights, and the complete renovation of the liberties and happiness, which, as men, we are entitled to, and, as Britons, we have been taught to expect. An increase of affection, of zeal, of confidence; a concert of permanent union; a free communication and comparison of sentiments and intentions; mature deliberation and mutual reliance—these are the fruits of the wise and spirited measures adopted by the Friends of Liberty in Scotland, and seconded by the Societies of London and of Ireland.

Britons, and fellow-citizens! let us rouse you to immediate co-operation with these efforts for the general good:—let us awake you to a sense of the importance of the present moment, and persuade you — persuade all the patriotic societies in England, to strengthen immediate junction with this grand federation;—that as those who are hostile to our freedom are already united by compacts, interests, and coalitions, the friends also of that glorious principle may be bound together by a link more firm, more intimate, and more durable, to resist every oppression and usurpation that may be attempted, and vindicate the "Rights of Man."

The Society at Norwich has already in some degree, imitated our example, for though time and convenience did not permit them to elect a separate delegate, they have sent a written authority to citizen ——— to act for them in that capacity, together with instructions to enable him to state their sentiments to the Convention, and directions for him to correspond with them, and render their fraternity more complete.

Citizens! Permit us to unite our voices with those of our brethren in the North, to request you, by some such method (if you cannot render it convenient immediately to send a delegate of your own) to assist the closer union, and more immediate communication of the respective societies,—Persuaded as we are that the friends of liberty, if encouraged by the conviction of general union to step forward and avow their sentiments, are already so numerous and respectable as to insure a speedy termination of the calamities of an unjustifiable war, and a restoration of every right to which Britons and freemen are entitled:

We are, in the firm assurance of your zeal and sincerity in the cause of liberty, your affectionate fellow citizens.

P. S. I received your letter, and I sent it to Edinburgh according to your direction.

Appendix F. (No 1.)—Sheffield, Committee Room of the Constitutional Society, May 27th, 1793.

Sir;—I am desired by the committee of this society to acknowledge the receipt of yours of the 10th current, and of the Caledonian Chronicle of the same date, containing the resolutions of the convention of delegates from the Friends of the People throughout Scotland—of which this committee and the society also, to which they have been read at the several district meetings, highly approve.

This committee did not answer your former letter, because they were unwilling to put you to any unnecessary expense of postage, especially as no alteration could then be made in the subject matter thereof. Any communication which you may be pleased to favour this society with, will be certain to come to hand (barring accidents) if directed

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generally to Mr. ——— ——— at ——— ——— Church-lane, Sheffield. Though we have never had any miscarriage of letters which were directed to the secretary of the Constitutional Society, yet that addition may perhaps be as well left out.—As to a proper channel; if the parcel is at any time very bulky and weighty, the waggon will be the best; but if a moderate size, it will come quicker by the coach: and the committee will be very glad to receive accounts of proceedings so ably and patriotically conducted.

The committee beg leave to recommend to the Convention, and through its members to the several societies, to patronize and promote as much as possible the circulation of that most useful periodical work, The Patriot, which certainly contains abundance of truly important political information, and has done the most essential service to the cause of freedom, and of the people in this part of the island.

I am desired to express the particular approbation of this committee, and society also, of the second resolution of the Convention, viz. "That the motion to discontinue their meetings when the petitions, &c. are presented, &c. is suspicious and insidious, &c. &c."

To show how men, possessing the same principles, will at the greatest distance coincide and jump, as it were, into the same sentiments, and expression of them, I beg leave to send you a short extract from the address of our president, Mr. ——— ——— at our last general meeting, which was taken in short hand, and which the committee hope they shall prevail on him to publish, as it is replete with political information, interesting anecdotes, and animated elocution.

"You have no doubt, fellow-citizens, all heard the fate of the petition so lately sent from this town and neighbourhood for a parliamentary reform: and I should suppose that the unjust, indecent, and insolent manner in which it has been rejected, and opposed admission into the House of Commons by the satellites of ministers, must have convinced you clearly, that the great cause for the support of which we have associated, demands our never ceasing vigilance and attention.

"A reform in parliament is almost universally allowed to be essentially necessary to the preservation of this country. And as that great and important event can never be brought about but by the powerful interposition of the great body of the people, no lawful means should be left unassayed to remove the almost innumerable impediments which lie in the way to obstruct and prevent so desirable a communication. The enemies to reform are a very active, numerous, and powerful body in almost every neighbourhood, and never fail to unite on the smallest appearance of any circumstance which they conceive may be prejudicial to the corrupt and baneful system that has too long prevailed, and which it is so much their interest to continue.

"Our common enemies, I say, form an active, jealous, powerful, and well disciplined phalanx, long enured to every possible mode of attack which can be made upon them—thoroughly skilled in the science of defence—but more particularly so in circumventing and smothering every attempt that may be made against them while in its infancy, and before it can arrive at the power of doing them harm—witness the various attempts to discountenance, calumniate, and, if possible, to annihilate constitutional societies, The Patriot, and all publications similar to it; as in these they see, with terrified aspects, the future saviours of the people, and their dearest rights; with an all-grasping and domineering aristocratic influence, possessing the greatest share of the landed property; with the purse of the nation at their command, and their eyes ever fixed on this ruling maxim, "*Divide et impera*," they may be almost thought to be invincible, and nothing can avail against their efforts, but equal zeal, discipline, activity, and strict adherence together of the Friends of the People and of the cause of freedom.

"You see then, citizens, that (that) it particularly behoves us not to sleep upon our posts. The heavenly cherub liberty is in danger of being annihilated and destroyed by a torrent of influence and corruption unexampled in the annals of the world. It is time, therefore, for all true lovers of their country, to exert every effort to preserve and cherish that (that) inestimable blessing, deprived of which, both life, and property, by being rendered precarious and uncertain, become but secondary considerations. In this most laudable of all pursuits, that of promoting and forwarding the public welfare, it becomes the peculiar duty of every one of us to contribute all in our power, by public and private advice and exhortation, to prevent his fellow labourers in this glorious vineyard from lagging in so momentous, though perhaps so arduous a work; but let us remember that our brave and hardy ancestors often fought and bled at every vein, to transmit to us undiminished, a fair and unspotted inheritance to a constitution—the base, summit, and centre of which was founded and composed of freedom; a constitution which they raised by their valour, supported by their virtue and wisdom, and cemented with their blood.

"The ravager time, the unsuspicious nature of some of our forefathers, added to their supineness and neglect, with other unfortunate circumstances on one hand, and on the other the gradual but never-ceasing endeavours to undermine and subvert the noble edifice, by every insidious and unperceived art and machination that base and interested men could devise—these sycophants of courts—these venal hirelings and male prostitutes, who feed and fatten without remorse on the spoil and plunder of their industrious and oppressed countrymen—these political Esaus, who would sell their country and its

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liberties for a mess of pottage, have brought us to the very brink of ruin, and the verge of slavery; and wishing to delude us with the forms of the constitution, have gone nigh to sap and destroy every prop and pillar by which the constitution itself is in reality supported.

"Be it ours, however, to keep in mind, that there is not in the whole range of human nature so degraded and despicable a sight as that of a nation, a people who were once free, having degenerated into slaves; and let us not ever forget, that notwithstanding we of the present day did not receive perfect freedom from our immediate forefathers, we still know that we have a just claim to it: that it is our duty to prosecute that claim before our adversaries shall have the insolence to plead prescription as a bar to it.—Though the possession is not in us, the right is, and we are bound to assert that right, and transmit it clear of all incumbrances to our posterity. What! shall we unremittingly prosecute our claim, and start indignant at the idea of being robbed, or unjustly deprived of a paltry cottage, or a few acres of dirty land; and shall we tamely and basely surrender those important rights and privileges which are more valuable than all the acres that one man ever possessed? Forbid it consistency! Forbid it, Justice! Forbid it, Heaven!

"But how, it may be asked, how are we to prosecute our claims? How are we to recover those rights of which we have been surreptitiously deprived? I answer, by our fortitude and unanimity—by an inflexible perseverance in demanding those rights which no power on earth is entitled to withhold from us. A reform in parliament, I repeat, is absolutely necessary to save this country from ruin. I will tell you why," &c.—He then gives a display of the defective state of representation; shows, that as things are now situated, no administration, however inclined to do so, can govern according to the true principles of justice and sound policy, and the real interests of the people, from the undue influence of the crown. Describes the double cabinet in a very severe strain of animadversion; takes notice, that the only argument attempted to be urged against the measure, is the impropriety of the time; and on every occasion, since its first being hazarded in 1692, the same bugbear has been uniformly opposed to it. "But let me ask these men, what is a proper time? In times of peace; in times of war; in times of financial depression; in times of prosperity; though the necessity of it was always admitted, still the time was improper. When Mr. Grey, in the last session, gave notice of his intended motion on this head, though we had been just before represented by the apostate Pitt, in all the glare of his didactic pomposity, to be at that moment in a state of unexampled prosperity, yet then the time was improper.

"In the year 1764, after the conclusion of the war, this country was equally prosperous, and ranked infinitely higher in point of consequence amongst the nations of Europe, when we were feared and courted by every power in it, then also, the time was improper; we were afterwards involved in a ruinous and expensive war with America, which drained this country of its citizens and its treasures, loaded us with an accumulation of taxes we were hardly able to bear, was prosecuted contrary to the wishes of the nation, and parliament still voting supplies out of the people's pockets: the system of corruption was obvious, clear as the sun at noon day, yet still it was not proper to agitate a reform: notwithstanding it was at the same time granted, that if a reform had been made in the year 1764, all those subsequent notorious evils would have been prevented.

"The plain truth of the matter is this—in the eye of ministers and their followers, in the eye of placemen, pensioners, and the almost innumereble host of the greedy and voracious bloodsuckers and devourers of the spoil and plunder of the people, no time is proper: the argument is a stale worn-out trick of every minister, and every venal tool who supports him. Charles Townshend used to say, petitions to this effect were improper at two seasons; the season of war, and the season of peace: in peace, because they tended to disturb the general tranquillity; and in war, because ministers had sufficient employment for their abilities without being troubled with petitions: in this avowal of a minister there is certainly some honesty; but much more of what the Irish term modest assurance, or what a blunt Briton calls downright impudence.

"The same fallacious and delusive argument is made use of at the present moment; and those very apostates, who contended most warmly and vehemently, that a reform in parliament was absolutely necessary to save the constitution, in 1785, have now the barefaced effrontery to assert, that it is at present, not only unseasonable, but absolutely unnecessary—Citizens, reflect on this; be no longer deceived; convince yourselves first that it is necessary, and then determine resolutely, and like Englishmen worthy of their glorious ancestors, that in matters of moment there is no time like the present."

Thus ended a speech of near two hours, which convinced the society of the absolute necessity there is to be more active and assiduous in the great cause we are engaged to support. It is remarkable, that at this meeting a motion was made to discontinue our monthly meetings, and to have them only once in three months, which was reprobatsd by the president, and scouted by the society as suspicious and insidious: and the society has greatly increased every day since.

The enclosed paper has had a very good effect in Manchester and this place, where it has been well circulated; and as Mr. Dundas has had the consummate effrontery to say in

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St. Stephen's, that war is not the cause of the present national distress, this committee think too much pains cannot be taken to convince the people that it is. They therefore submit it to your consideration, whether it may not be advisable to reprint and circulate it in your town and neighbourhood.

In the name, and by order of the committee, I remain, sir, your most obedient servant,

(Signed) ——— ———, secretary.

Addressed, Mr. Wm. Skirving, Edinburgh.

(No. 2.)—Delegate meeting of the Constitutional Society, Leeds, May 29th, 1793.

Sir;—By request of the Sheffield Society, and having received directions from them for the purpose of corresponding with all the societies in England and Scotland: we, the members of the Constitutional Society in Leeds, in order to obtain the desired end of parliamentary reform, desire fraternal communication with the society of Edinburgh. We shall be glad of any information or instruction in your power on all occasions; and hope you will find the Leeds society always faithful to the interests of the people; and though they are but few, not exceeding two hundred, they are men, and are determined to exert their utmost in order to instruct their neighbours on their common interests. With this we send you a copy of our address and declaration, and shall ever acknowledge all favours from you. Wishing the cause we have embarked in every degree of success, I remain, in the name and by order of the society, sir, yours, &c.

Addressed "To the secretary of the Constitutional Society, Edinburgh; and on the back to Mr. William Skirving, Edinburgh, Scotland."

(No. 3.)—Free Masons' Tavern, Saturday the 18th of May 1793.

At a general meeting of the society of the Friends of the People, associated for the purpose of obtaining a parliamentary reform, held this day.

———— ————, in the chair.

Resolved unanimously, That the thanks of this society be returned to the Convention of Delegates at Edinburgh, for their zeal and activity in the cause of parliamentary reform, and to express a hope and wish that they will proceed with the same spirit, industry, and temper, during the interval between the present time, and the meeting of the next session of parliament. In name, and by order of the society.

———— ———— chairman.

(No. 4.)—Sir;—I have the honour to enclose you a copy of the resolution of thanks to the Convention of Delegates at Edinburgh from the Friends of the People in London, and beg you will communicate the same to the various societies with which you correspond in Scotland. I am, sir, yours, &c.

———— ————

Secretary to the committee.

(No. 5.)—Sir;—The speech I sent is not the property of this society; but in compliance with the request contained in your letter I have applied to the proprietor, who gives you full permission to re-print it, and distribute as many as you think proper. Your conduct on this occasion must give satisfaction to every friend of reform. When I again meet with any thing good and short I will certainly send it to you. I suppose you have seen William Fox's pamphlets: they are very short, and extremely good indeed, particularly that against the war. The plan of delegates would be very improper in this country at present. A very small part of it indeed would be active for reform; if such a meeting is attempted, it will operate like many rash steps of some who wish well to the cause, much to its disadvantage. I thank you for the parcel of minutes which is come to hand, and remain, yours, &c.

July 23rd, 1793.

Addressed, William Skirving, esq.; Edinburgh.

(No. 6.)—Dear Sir;—On Saturday last I received a copy of Mr. Palmer's trial, and on Monday several copies of Mr. Muir's, which I have ordered to be disposed of as directed. I had read both before—I shall bind them with Mr. Paine's trial, and I return you and Mr. Muir thanks for them. I think Mr. Palmer's case in some respects, still more extraordinary than Mr. Muir's—Is it a crime to advise prudence and moderation? Be so kind as to desire Mr. Scott to send regularly the Edinburgh gazetteer to me, under cover to C. Grey, esq. M. P.—Let him charge it either to me or the society, and I will pay for it at such times and in such manner as he desires. I hope none of the violence which has done mischief to the cause of reform in England will be imported into the Scottish Convention. The conduct of the friends of reform in Scotland has always been admired, and I hope their prudence and moderation will be continued. I am, &c.

October 29th 1793.

Addressed Mr. W. Skirving, Edinburgh.

London, November 8th, 1793.

(No. 7.)—Fellow Citizens;—I duly received your favour of the 4th instant, and laid it before the committee of delegates last night, who were anxiously waiting for intelligence from Edinburgh, and were well satisfied with the agreeable account of the great number and zeal of the friends of freedom in Scotland.—That part of your letter which mentioned your visiting different towns in Scotland, for the purpose of promoting the cause—they were pleased with the idea, but they thought that it could not be put in practice on

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account of the necessary supplies, which come in but very slowly—it is to be mentioned in the different divisions.—We have elected ——— (by ballot) chairman of the committee for the remainder of the quarter—we have also appointed a committee of constitution, separate from the committee of delegates—one member is chose from each division, to meet on this night for the first time, and to be totally unconnected with the committee of delegates.—We still increase in number—and the address to the king, to put an end to the war, is ordered to be advertised to receive signatures—in the Courier, Chronicle, Eyer's Sunday Gazetteer, afterwards by hand bills, &c. We have opened a correspondence with a new society at ——— I have to inform you of the wish of the society, that you would favour them with the number of delegates in the Convention, and the number from England also, and how the civil and military power relishes your meeting. And that you would send such a report from the Convention as might appear in the newspapers in London. Send me an Edinburgh Gazeteer, when there is any thing in it of importance. I would have sent you a Courier, but they informed me that they sent several to the coffee-houses and taverns in Edinburgh; for that reason I thought it unnecessary. I hope to have more time to write to you more fully next time. As ——— says the post is just going off, no more at present from ———

secretary.

Addressed, Mr. Margarot, and Mr. Gerrald, delegates from London.

(No. 8.)—To the members of the Scotch Convention.

Worthy Sirs;—The notice we have had of your different meetings, being so late as not conveniently to allow of our election of a delegate to join your assembly, I take the freedom to communicate a few lines in the name of the society. Our congratulations are your due for the spirited manner in which you have shown yourselves the advocates and promoters of reformation. You, citizens, have deserved well of your country, and your conduct is the subject of our applause—the strong sentiments you have imbibed are the objects of our admiration. Our minds particularly embrace the doctrines of the right of universal suffrage, of the necessity of annual returns, and of adopting these principles into a definitely worded constitutional code, alterable only by the expression of the general will of the British people, properly taken. We doubt not of your sentiments of fraternity towards the patriots of our town, whose desire is to promote universal information and universal liberty. The All-wise father of men prosper your undertakings.

———

Secretary to the Leeds Constitutional Society *pro tempore.*

Leeds, Nov. 18th, 1793.

Addressed, Mr. William Skirving, Edinburgh.

(No. 9.)—Sir;—I have the satisfaction to inform you, that the delegates from the societies in London have, at length, arrived at Edinburgh. Delegates from the other societies in England, and who are now upon the road, will soon also be here to wait upon the friends of the people, in order to establish an indissoluble fraternity between the two nations, and to adopt those measures which at this awful period may have a tendency to save the country. Solemnly pledged as you are to a common and a just cause, no hardship and no expense can be thought too great for you, while you are conscious that you are discharging your duty. With no propriety can you refuse to attend upon your brethren from England, who, at so much expense, and from so great a distance, have come to unite their affections and deliberations with you. I feel it my duty in coincidence with the sentiments of the general committee here, again to recall the societies by their delegates to this place. Every moment is precious, and delay is synonimous to treachery. I expect therefore, sir, to have the honour of seeing you on the 19th current in the general convention of the delegates, in compliance with the public advertisement, which I was bound to insert in my official capacity, in the Gazetteer of yesterday, to which I entreat your particular attention. If you cannot possibly attend, it will be proper to call the committee of your society to appoint one or two in your place. No exertion on the part of a friend should be wanting at this important crisis to render this Convention still more respectable; and none who have the cause at heart, and discern how much is at stake, will be remiss. Let it be our ardent prayer to God, that his wisdom may direct their measures, and that his benediction may attend the execution of them. I have the honour to be, &c.

William Skirving, sec.

Edinburgh, Nov. 7th, 1793.

(No. 10.)—Extracts from the Minutes of the General Convention of the Friends of the People, held at Edinburgh, and of their General Committee, convened in consequence of the arrival of the English delegates, and of citizen Hamilton Rowan and Simon Butler from Ireland, as mentioned in the foregoing narrative.

29th Oct. 1793.—In the first day's sitting of the Convention, Mr. C ——— moved, "that this Convention resolve to claim for themselves and their constituents the right of universal suffrage and annual parliaments."

At the same sitting a letter was read from the four United Societies of Ireland.

"Mr. Skirving read the thanks of the general meeting of the Friends of the People at Free Masons' tavern, dated London, 18th May 1793, as returned by them to the Con-

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vention of Delegates at Edinburgh, for their zeal and activity in the cause of parliamentary reform. He also read a similar letter from Mr. ———, dated London, 5th October 1793, another dated London, 25th October 1793, respecting the appointment of Messrs. Margarot and Gerrald.

"Mr. Skirving next read a letter from Mr. ——— secretary to the association at London, dated Frith-street, No. 7, October 16th 1793.

"Mr. ——— read a letter from the Constitutional Society at Sheffield, dated 27th May 1793, and signed ———, secretary, upon the whole objects of reform in general, containing some humorous remarks on the arguments advanced by the enemies of reform, which were received with great approbation. Mr. Skirving next read the printed paper contained in the said letter, addressed to the unemployed artisans, &c. of Manchester, and containing a number of excellent remarks upon the calamities of war; signed—Sidney."

(No. 10.)—6th Nov. 1793.—In the general committee it appears, that a citizen, one of the Edinburgh delegates, having moved that the London delegates should state the situation of their societies, citizen Margarot answered, "that the societies in London were very numerous, though sometimes fluctuating. In some parts of England whole towns are reformers; Sheffield, and environs there, 50,000—In Norwich there are 30 societies in one.—If we could get a convention of England and Scotland called, we might represent 6 or 700,000 males, which is a majority of all the adults in the kingdom; and ministry would not dare to refuse us our rights."

Citizen Butler, from Ireland, then said, "he did not know how far he was at liberty to say any thing, as he was not a delegate; but he would give an account of Ireland: the executive part of the government were almost omnipotent; the landed interest almost aristocratic; the manufacturer idle.—Last parliament was expected to have given Ireland emancipation; however that prospect was flattering, a few weeks changed the scene.—An infamous coalition took place between the opposition and ministry; the Catholics retired with what they had got.—No longer opposed by them, the government turned their oppressive measures against the friends of reform.—The United Irishmen were prosecuted; he himself had experienced six months imprisonment.—Belfast was declared to be in a state of rebellion—though freedom was not cried up in the streets, yet it dwelt in almost every heart. Universal emancipation was the measure for which he was an advocate.—All that he knew of the country was, that the first day his friend was in Edinburgh he was arrested, for nothing that he knew, except it was for being so wicked as to come here.—In Scotland they yet met in convention; in Ireland the parliament had enacted laws against it.—When a law like that should take place here, he was afraid freedom would vanish."

Mr. C——— said, "that he hoped those that would pass such an act of parliament should be forced to eat it; and hoped that Scotland and England should not submit to it."

Citizen Gerrald said, "that he came here armed with the power of delegation.—If our neighbour's house is on fire, the greater should be our vigilance to prevent the flames seizing our own.—A parchment piece of justice had been presented in Ireland; he hoped that if ever it was passed here, we should throw it in the face of our oppressors. Every thing the people had gained had been through conventions—the revolution was the consequence of a convention;—the revolution established that trust abused was revocable—the revolution excluded all placemen and pensioners—do we enjoy any benefit from that act? It made ministers responsible—how many bad ministers have we seen go down to the grave in peace, and honoured with all the dignities a king can confer!—union would carry our principles into execution—a citizen from Ireland told you, that as soon as the alarm bell was rung, the opposition joined the ministry—party is ever a bird of prey, and the people their banquet."

19th Nov. 1793.—On the first day's sitting of the Convention after it was resumed, Mr. Margarot moved,—"that previous to publishing an address to the public, a committee be forthwith appointed to consider the means, and draw up the outlines of a plan of general union and co-operation between the two nations in their constitutional pursuit of a thorough parliamentary reform," which was unanimously agreed to.

The minutes of the second day's sitting bear,—that citizen Gerrald "vindicated the plan of divisions, as tending to enable the Convention to make up their minds upon the business to come before them."—Mr. Margarot vindicated the plan as tending to shorten the business of the Convention, and insisted that the familiar intercourse that would take place in these divisions, would be the chief use of them."

"—Another delegate showed the necessity and importance of the plan of organization, and insisted that the divisions were necessary, and that the loss of a day or two was of no consideration, compared with the magnitude of the object."

"Mr. Margarot promised, in name of himself and his colleagues from England, that they would grudge no time to execute with propriety the important business they were come upon."

"The delegate from Sheffield rose to remove any remaining objections that might be made against the plan. He urged, that the grand point in raising a good superstructure was, to lay a good foundation; to do which no time should be grudged; and showed the great utility of the plan in the nomination of committees."

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And the Convention were accordingly divided into divisions, and places appointed for their meetings.

Mr. Margarot, of new, moved, "that a committee be appointed to consider of and draw up a proper plan of union between the two nations, according to the resolution of yesterday."

In the sitting of the 21st of November, in consequence of reports from the different sections, a committee of thirteen was chosen to form an union upon Mr. Margarot's plan.

In the same meeting Gerrald stated, "that to honest men nothing was so valuable as truth, and that nothing can possibly tend so much to the disclosure of truth, as discussion and deliberation. That it was also very important that the committee should know as much as possible of the public mind, in order that they might act in union with it. The Convention then resolved itself into a committee upon the motion of Mr. ——— and many valuable hints were thrown out by citizens * * * * * * * * * * * * * * * Gerrald observed, that whatever difference of opinion might exist in these walls, we can never forget that our friends and our enemies are in common, and that our object is equally the same. He took a review of the means we are to use in order to secure our object. He entered fully into the subject of universal suffrage and annual parliaments. He fully proved the rights of the people to these benefits by their ancient constitution. He minutely investigated the principles of government. He asserted, that the end of all government is the good of the governed; that if money be taken out of his pocket against his consent, it is of little consequence whether it be taken by the robber on the heath, or the monarch on the throne. He made many remarks upon the revolution settlement, and the benefits gained by the last revolution, and demonstrated clearly, that they are now totally taken away. He warned the convention against the choice of any other than known and plain men like themselves, men uncontaminated by the pestilential air of courts."

A delegate from London, during this day's sitting, in absence of ———, a Scots delegate, "gave in the continuation of the committee's report respecting the election of presidents; of three assistants, one to go out daily; and respecting the council of the table." He likewise proposed, "that the whole reports of the committee should be delayed till the report was completed, and urged as a reason for delay, that * * * was employed in completing the report of the committee."

The fifth day's sitting, Convention Hall, November 23rd, 1793.

Citizen Gerrald appointed chairman.

"Citizen having read the minutes of last sitting, the president stated, that this morning he had received a letter from our friends in Norwich, who desired him to inform the convention, that they remained steady in the cause, and had nominated citizen Margarot their delegate, and that they would contribute their share of the expenses attending the convention. Mr. Margarot accordingly accepted of the office; who congratulated the convention upon the accession of such a great number of friends."

During this sitting there is the following motion: "It was moved, that from thenceforth the convention should be styled the British Convention of the delegates of the people, associated to obtain universal suffrage and annual parliaments;" agreed to unanimously. Also this other motion: "a motion was also made for the convention allowing the members of the United Society of Irishmen to speak and vote here."—

"Referred to the sections."

Citizens * * * * * * * * * *, who were country delegates, "requested leave of absence, which was granted, upon condition that they would do their utmost to send delegates in their place."

In the same sitting there are the following motions, viz.

"Motion by Mr. * * * respecting dividing the country into departments, and appointing provincial conventions, whereby they may become more acquainted with each others sentiments."

"Referred to the Committee of Union."

"Motion by * * *, containing thanks to the movers of the division into classes, mentioning the advantages already obtained from it, and requesting a fresh shuffle. Referred to the committee of regulations, and agreed that the members of societies in Edinburgh join the sections,"—and this day's sederunt closes as follows: "The president warned the sections to meet as full as possible on Monday."

"Citizen * * *'s motion, relative to admitting the members of the United Society of Irishmen to speak and vote in this Convention, came forward for discussion, when citizens ——— spoke upon it, and agreed to and guaranteed by a solemn joining of hands—it being followed by a motion for transmitting the above resolution to citizen Archibald Hamilton Rowan, which was passed accordingly."

"Secretary Skirving stated, that he had just now received five shillings from an unknow hand for the use of the Convention; honourable mention was ordered to be made of this patriotic donation."

"A motion made by * * * * * respecting the appointment of an interim committee at the end of every convention, to call together the delegates on extraodinary emergencies."

At the close of this meeting, the convention being divided into sections, a delegate moved "That the motions should be laid before the sections, and desired the council of the table to condescend on these that were to be first discussed."

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Seventh day's sitting, 26th November, 1793.

After debate, an original motion was referred to the "Committee of Finance."

"Ordered, That the convention shall cause a regular set of books to be kept for the insertion of minutes, motions, and other proceedings; a book of finance, &c. to be at all times subject to the inspection of an intermediate committee."

"All these motions were ordered to lie over to be considered by the sections."

"Mr. ————'s motion being taken under consideration, amendments were proposed by citizens * * * *.

"Mr. Margarot pled for adopting the spirit of Mr. ————'s motion; but thought it would be more advantageous to postpone adopting it till the conclusion of the convention's business.

"Moved by Mr. Margarot, that a committee, consisting of the mover, seconder, and those who had moved for amendments of Mr. ————'s motion, be appointed to draw up a motion from the whole, that may probably meet the ideas of the whole convention—After some conversation it was agreed upon, on the motion of Mr. * * *, that the vote of the House be put; 1st, on the spirit of Mr. ————'s motion; 2dly, on the words of the motion; and 3dly, on Mr. Margarot's motion." Agreed.—"The sense of the House being taken on the first, it carried unanimously, to adopt the motion as to the spirit of it.—On the 2nd, it carried by a great majority, not to adopt the motion as so worded—and 3dly, It was resolved, that the said motion, and all amendments, be referred as above."

Convention Hall, 28th November, 1793.

Ninth Day's Sitting.

Citizen * * * in the chair.

"Citizen * * * read the amendments upon citizen ————'s motion, as agreed upon by the committee; and it was agreed, that the House should resolve itself into a committee for its mature consideration."—In the course of the conversation, citizen * * * gave a history of the Habeas Corpus Act.—After an excellent discussion of the question, pertinent remarks, and amendments, the convention was resumed, and the whole, as amended, being read over, the members stood upon their feet, and passed the resolution unanimously, as follows.

[Here a blank is left in the minutes, as mentioned in the report]

After the said resolution was agreed to and solemnly approved of as above, the minutes import, "That citizen Gerrald, in an energetic and animated speech, addressed the meeting, and expressed his happiness at the motion passed; and exposed the act of the Irish parliament, called a convention bill —and citizen * * * followed him in a manly speech, and proved the influence of the executive government over the parliament."

Citizen Margarot read and proposed the following motion: "That a secret committee of three, with the secretary, be appointed to determine the place where such convention of emergency shall meet; that such place shall remain a secret with them, and with the secretary of this convention; and that each delegate shall, at the breaking up of the present session, be entrusted with a sealed letter, containing the name of the place of meeting; that this letter shall be delivered unopened to his constituents, the receipt of which shall be acknowledged by a letter to the secretary —preserved in the same state until the period shall arrive at which it shall be deemed necessary for the delegates to set off.

This motion was seconded by * * *, and the same passed unanimously. Accordingly the following citizens were nominated a secret committee upon this business, viz. Margarot, * * * * * *, with the secretary; and they were requested to devise the best possible means of conveying this intimation to those societies whose views are the same with ours, but may not have delegates at this time."

The minutes of this day's sitting, close with a variety of motions; and amongst others the following, by citizen * * *, and seconded by citizen * * *, "That a fund be raised by subscription for defraying the expense of small patriotic publications to be distributed in the Highlands. Every publication shall bear the figure of a Highland man in full dress, with target and broad sword, to attract the attention of Highlandmen. No publication to cost more than half a penny."

By citizens, * * * "That a committee be appointed to draw up a declaration of the natural, unalienable, and unprescriptible Rights of Man; and that the same be prefixed to an address to the people of Great Britain."

And, "That a committee of observation be appointed in London, to give the earliest intimation of any motion of the kind mentioned in the foregoing resolution to the different societies."

Convention Hall, first year of the British Convention, 29th Nov. *Anno Domini* 1793. —Tenth Day's sitting.

Citizen * * * in the Chair.

"Citizen Margarot gave in the report of the Committee of Regulations; which was ordered to be printed, and copies to be given in to the sections on Monday for their consideration."

"The secretary read * * *'s motion for a committee of observation to be appointed in London. Citizen Margarot stated, that there was no occasion for a committee of that nature in London, as there were several thousands of people in that city upon the look-out. It was accordingly agreed, that the convention should request the London Committee of correspondence to give the earliest intelligence of what passed in parliament."

"A letter from a friend, &c. which had

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been transmitted to A. Scott, of the Gazeteer, was read, containing patriotic sentiments, and two guineas; and citizen Taylor presented a guinea from another citizen, whose name he was not at liberty to mention.—It was stated by the secretary, that a citizen from London was present, who was to give 5*l.* 5*s.* to the convention, when a collection should be made for enlightening the Highlanders. The thanks of the house was unanimously given to the before-mentioned patriots for their donations."

Eleventh day's Sitting, 30th November, 1793.

"The secretary read a motion, that a committee be appointed to revise each day's minutes immediately on the rising of the convention, for the purpose of sending them to the press, to make hereafter a daily bulletin of the same. The question being put, the motion passed unanimously."

"Citizen ———— likewise moved, that no person should be allowed the honours of the sitting, unless recommended by two members; which, with amendments, as in the motion itself, passed unanimously."

"The secretary read a motion for publishing the natural, unalienable, and unprescriptible Rights of Man; which was ordered to be given to the Committee of Union."

"It was moved, that captain * * * should report some circumstances to the convention; for which purpose the house resolved itself into a committee, when he read an account of the trial and sentence of D. Holt, for reprinting the duke of Richmond and Mr. Pitt's resolution for a parliamentary reform; after which, the chairman being replaced, the secretary moved, that captain * * * should be allowed the honours of the sitting."

"Citizen * * * from Strathaven, and * * * from Hamilton, requested leave of absence should be granted; and moved that all the delegates who had left the convention, should receive letters to return immediately, and remain at their posts until the important business which was daily introduced into the convention should be properly discussed."

"A motion to fine those members who did not attend their sections.—The order of the day was called for."

"A motion for drawing out a scroll of a petion to parliament; which being read, The order of the day was moved upon it."

Monday, 2nd. December, 1793. First Year British Convention.

Twelfth Day's Sitting.

Citizen * * * in the chair, and citizens * * * and * * * assistants at the table.

"Citizen Skirving insisted that all the members, both of the convention and primary societies, should subscribe a solemn league and covenant."

"Citizen Gerrald pled for liberty of sentiment; and compared the people and their enemies to the worshippers of the true God and of Baal. He afterwards read some paragraphs from the Edinburgh Herald, with suitable comments; and compared the constitution of 1688 to a dead horse. He showed the insipidity of the title "Gentleman," and the propriety of the term "Citizen;" remarked the impropriety of the mode of promulgating our laws, by restricting them to be sold by one printer, and published in the Saxon character, which few can read."

"Citizen Skirving also pled for the motion, and insisted that it was proper, on all occasions, to take the opinion of the primary societies, and considered the convention as only a committee of the people."

"Citizen Margarot pled in favour of the motion. The approbation given by the many thousands of their constituents in London, Sheffield, Norwich, Leeds, &c."

"The motion being agreed to, with one dissentient voice, who afterwards acceded, citizen * * * read a spirited advertisement from the Nottingham Society, inserted in a Sheffield newspaper."

"A motion made by citizen * * *, that the convention shall pass some resolutions respecting the late unprecedented and unwarrantable infringements on the freedom of the press, particularly the arbitrary sentence of judge Wilson against Mr. Holt, for re-printing the duke of Richmond and Mr. Pitt's plan of reform."

"Citizens * * * and * * * moved that this convention take under consideration, whether (after the contemptible manner in which the late petitions for parliamentary reform were treated) they shall again petition for reform, or at what period they should recommend the same to their constituents."

At the Thirteenth Day's Sitting

Citizen * * *, of Sheffield, produced a commission from the Leeds Constitutional Society appointing him their delegate; which was approven of by the convention.

The minutes of the Fourteenth Day's Sitting are begun and entered thus:

"*Edinburgh, 4th November*, 1793.
"Fourteenth Sitting of the B. Convention."

In the above, November is, by mistake, inserted in the place of December.

"Mr. Margarot begged leave to bring in a motion to the effect, that the moment of the illegal dispersion of the present convention be considered as our summons to repair to the place of meeting appointed for the convention of Emergency by the secret committee; and that the same motion be considered this evening.

"The convention then heard the only two motions on their table read, which regarded the same matter; and it being objected to, that the business of these motions was to be taken up to-morrow evening, after some con-

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versation, it was carried by vote of the House to delay further consideration till to-morrow evening. Mr. Margarot being prepared to bring forward his motion above-mentioned, the same was taken under consideration, and was as follows:

"Moved, That the moment of any illegal dispersion of the British Convention shall be considered as a summons to the delegates to repair to the place of meeting appointed for the convention of emergency by the secret committee; and that the secret committee be instructed to proceed without delay, to fix the place of meeting.

"The convention, having considered the motion fully, unanimously resolved the same, and appointed the secret committee to proceed as directed."

A delegate from Glasgow presented to the sections, during the sitting of this convention, a motion of the following tenor; viz.

The delegation from Glasgow moves, That the convention take into their consideration the nature and extent of a resolution adopted by their constituents, and by most of the other societies in Scotland, and afterwards ratified and approved of at the General Convention held at Edinburgh in December 1792, the import of which was, that if any member of their society associated for the purpose of obtaining a parliamentary reform should, while in the legal prosecution of that object, be oppressed or persecuted by the arm of power, they should not only meet with the assistance of the society to which they belong, but also by the united efforts of all their brethren in Scotland.

Since the above period, however, we are sorry to say, several of our members have been persecuted, and that in a most wanton manner, and the above resolution (which if duly put in force would, we humbly apprehend, have the happy effect of emboldening those who have already come forward, and of encouraging others who have not yet taken any active part to unite their efforts in the general cause) has never yet been attended to.

We therefore humbly move, that the convention take into consideration the above particulars, and consider what measures may be most conducive towards the performance of the obligation we lie under, in consequence of that resolution, and thereby show to the world that we are not unmindful of those who have already suffered, or may in future suffer in their country's cause.

By order of the delegation,

* * *

Edinburgh, October 30th, 1793.

(No. 11)—Extract of a letter from Mr. Margarot to the Norwich Societies, dated Edinburgh 24th November, 1793.

You know that at our arrival here we found that the convention had, after sitting four days, adjourned, and the delegates were all gone back to their respective habitations, without proceeding any farther in the business of reform, than simply agreeing that nothing short of universal suffrage and annual parliaments would satisfy them, and on that ground proposing not to send any petition to the king or to the parliament, least by so doing the enemies of reform might be tempted to counteract their wish, and exert themselves to prevent a peace; but at the same time it was recommended by the convention, that all friends to reform should sign any petition for peace, which might originate in another quarter—We soon prevailed on the Edinburgh committee to recall the adjourned convention; the country societies, informed that England meant to take a serious part in the great cause sent back all their former delegates, and several of them who had not sent delegates to the prior convention, have sent some to this one. On Tuesday the 19th instant the convention opened. The number of delegates amounted to 180; some of them came even from so far as Cromartie; the reception we experienced was highly flattering, we mutually gave and received encouragement and animation. I shall not at present attempt to give you a minute detail of what has since passed, because the minutes are to be printed, and then I will not fail sending you a few copies of them, and will, I hope, be able at my return to come to Norwich, and give you an accurate verbal account of every transaction: mean time, if you have any instructions to give me send them without delay, otherwise I shall act for you conformably to those laid down by the London Corresponding Society, a copy of which you doubtless have received from them.—The convention have begun by establishing a set of rules for the organization of the present and even future conventions; next we established a Committee of Union between the two nations, a Committee of Finance, and a committee to take into consideration the protecting or establishing a patriotic news-paper.—And on Saturday last we passed a provisory decree of union; the whole convention standing hand in hand, solemnly pledged themselves to each other to renounce all national distinctions, to abide firmly and truly by each other, until the great end is obtained, and at the same time we assumed the title of the British Convention of delegates of the people, associated to obtain universal suffrage and annual parliaments,

(No. 12)—Copy of a letter from Messrs. Gerrald and Margarot to the secretary of the London Corresponding Society

Edinburgh, Tuesday, December 2nd, 1793.

Citizen————;We received last night a letter signed by you, but written by another person, acquainting us with the determination of the committee, "that at the adjournment of the convention we should return immediately to London;" this determination we will undoubtedly conform unto, unless it be (as we hope and trust it will) contradicted in your

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next; for if the committee abide by it, we who by being on the spot, and thoroughly acquainted with the state of the country, can judge with certainty thereon, do assure you that our immediate return to London, will be attended with very bad consequences, for at present all the country societies look up to us to come among them to enliven, to encourage them, to convince them by our presence, that we exist, that we have been sent from England for the purposes of union and reform, and that the time is near at hand when such reform must take place. Nothing, dear friends must force us from Scotland at present but the absolute impossibility of bearing the expenses attending our mission, and those expenses may be somewhat lessened by recalling one of us, and leaving the other; our Norwich friends may likewise bear a part of them so that unless the funds of the society are very low indeed, no excuse for recall can be valid, unless founded on fear: and that we must remind you is our concern, not yours. While, therefore, the idea of uniting our society with the whole kingdom of Scotland affords you a pleasing prospect, let us do every thing in our power to cement that union; and this can only be done by a longer residence in the country, and by visiting the several societies which have sent delegates to Edinburgh and would think themselves ill-used if we did not take their town in our way. Consider of it therefore, we beseech you, and let us have your answer immediately.

The convention proceed with great spirit. We sit daily; and last week we came to a resolution which we fancy will give pleasure to every friend to reform; as the minutes are to be printed, we will, at present, only give you the heads of it; viz.

That should any attempt be made by government for the suspension of the Habeas Corpus Bill, the introduction of a convention bill, or the landing of foreign troops in Great Britain or Ireland, the delegates are immediately to assemble in convention at a certain place, the appointment of which is left with a secret committee—That when seven delegates shall be thus assembled, they shall declare themselves permanent; and when their number amounts to twenty-one, they shall proceed to business—thus you see we are providing against what may happen.

Citizen Gerrald's health is so far recovered as not to prevent him from fully attending his duty. We cannot say as much of citizen Sinclair, from the society for Constitutional Information: he has been confined to his bed ever since Saturday by a violent fever and sore throat; he is somewhat better this morning. He is a valuable young man; and, should he die, his loss would be severely felt; not indeed by his constituents, who have basely abandoned him, but by all the friends of freedom. He is a member of our society, and we recommend him to your notice.

You will, before this, have received our last of the 26th instant, acknowledging the receipt of your letter of the 23rd, together with a remittance of 12*l.* 12*s.* Our time is so constantly employed that we find it absolutely impossible as yet to write to you more than once a week, and even that on no fixed day: eighteen hours out of the four and twenty are devoted to public business, and you may rest assured they are not mispent. We are happy to hear that you go on as well in the South as we do in the North.—Letters convey but very imperfectly, and with no great degree of safety what we might wish to inform each other of. —You have done us a material injury by neglecting to send us a parcel of our publications, and a number of copies of the jurymen's right, pray do not delay them any longer, and among them some of the letters to Dundas. We sent you an Edinburgh gazetteer last week, we will send you another to-morrow; you will therein see part of what has passed in the convention. We remain, most sincerely your fellow labourers in the cause of reform,

JOSEPH GERRALD, delegate.
M. MARGAROT, delegate.

M. M. would be glad to receive a line from T. H. about private business of his own.

(No. 13)—Copy of a Letter from Mr. Margarot to the secretary of the London Corresponding Society.

Edinburgh 8th December, 1793.

Fellow Citizen;—We desire that a copy of the inclosed papers be kept by the society, and that another copy of them be delivered, without delay, to citizen Martin, in order that he may proceed thereupon immediately.

You will already have had confused accounts of what has taken place here for the last four days; but on Tuesday next the Edinburgh gazetteer shall (if despotism permit) give you a complete detail of every thing. The society will thereby be able to discover that our arrival in Scotland has been productive of great advantage to the cause, and at the same time has given great alarm to our enemies. We are very much surprised at the remissness of the society: while we are exposing our life and liberty, while we are devoting our time and our exertions to their service, while we are incurring numberless expenses, and affronting dangers that would stagger the most hardy of them, while we are doing all this, we are moreover obliged to remind them of it, and that supplies are now become more necessary than ever; surely the pecuniary exertions of any individual in the society, can never be compared to our endeavours; honoured with their confidence we find ourselves happy in being placed in the front of the battle; but let them remember that our sacrificing ourselves will be of little use, unless they afford us a proper support, and that most immediately. Not daring any longer to trust to the post, we send you all these papers in a parcel. You will be so good as to make us acquainted with their safe arrival—Gerrald

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wishes to get to London as soon as possible, he will communicate that which cannot be so fully expressed by letter: you may consider this as a private letter, but you may read such parts of it as you think proper to any member of the society, especially where it may be productive of good.—You will see by the inclosed papers, that power has proceeded in a most arbitrary manner, almost all the prominent characters in the convention have been or are to be apprehended and examined—lord Daer will, we believe, meet with no greater favour than ourselves; we understand that there is a warrant out against him. As an account of what has happened to us would exceed the bounds of a letter, we will only just give you a sketch of it, by way of Journal referring you, as we said before, to next Tuesday's gazetteer.

Thursday Morning, at 7 o'clock.

A sheriff's officer, followed by five other men, entered our bed room, informed us he had a warrant (which however he refused to show) for apprehending us, and seizing our papers; we remained confined all day, at night we were examined and admitted to bail, each in the sum of 2,000 merks.

Friday Morning 9 o'clock.

We were sent for again without a warrant for the purpose of being present at the opening of a small trunk, containing our papers; but M. M. protesting against the illegality of the whole of the proceedings, and refusing to give up the key, the sheriff substitute and the procurator fiscal dared to proceed no farther in the business.

Saturday Morning 9 o'clock.

Two messengers came again into our room, with Gerrald; they left a summons to appear at 10 o'clock, with M. M. They left nothing but a request to accompany Gerrald to the office; yet, when arrived there, he found that a warrant was issued against him, for the purpose of detaining him a prisoner, while the box was opened, and the papers examined. M. M. still persisting in his refusal, the key was forced from him, the trunk was opened, the papers examined and partly restored; the other part was kept, and a declaration drawn up, which he was required to sign, but refused, protesting against the whole of the business. —Gerrald, however, signed what was drawn up in his name, and we were once more liberated, and since then, now already 24 hours, no farther persecution has been commenced against us. But while we, as individuals, were thus harassed (Thursday) the whole of the convention were equally ill used.—Many of them were taken into custody; and when the remainder met as usual, the provost, attended by his myrmidons, went, and, after pulling ——————————, of Sheffield, out of the chair, ordered the convention to disperse, and informed them that he would allow no such meetings in future. (Friday) The next day, the convention having agreed to meet at another place, out of the jurisdiction of the provost, we had not been long assembled, before the sheriff, with his myrmidons, appeared among us, and commanded us to depart, after having asked whether that meeting, was the British Convention, and being answered in the affirmative. He next inquired who was the president; upon which M. M. having openly asked and obtained leave of the convention, placed himself in the chair; informed the sheriff, that he, M. M. was the president of the British Convention, and that he would not break up the meeting, unless unconstitutionally forced thereunto, by the sheriff's pulling him out of the chair; which the latter (after some little hesitation) having complied with, the ex-president (Gerrald) was also put into the chair, which he would not leave but by being pulled out; adjourned the convention to the place where it was to become permanent in its sitting; and having called upon his colleague, Gerrald, for to close the meeting with prayer, the company departed peaceable, but not without various reflections on the proceedings, and those reflections not confined merely to the members of the convention, but coming also from the crowd without doors, and even from the attending constables.—The next day a proclamation was issued by the provost, forbidding all assembling within the limits of his jurisdiction.—We know not what will happen; but we venture to predict, that all this prosecution will increase rather than diminish the ardour of the people for reform. The country societies, hearing of this, are hourly pouring in fresh delegates.—Want of paper forbids my writing any more. Adieu! Your's. M. M.

‡

Appendix G.—Extract from the Evidence taken on the 22d of May, 1794, before the Privy Council.

Thomas Thompson, esq. member for Evesham, attending their lordships, was called in, and asked, if he was a member of the Constitutional Society? to which he answered, that he was.

Extracts from his Evidence.—*Q.* How long have you been a member of this society? *A.* I cannot exactly recollect, but think about last Christmas.—Did you attend the meetings of the society regularly? When I was in town I did.—Was you present on the 28th of March, when a letter was read from the London Corresponding Society, of the 27th of March, with certain resolutions [which was shown to Mr. Thompson in the book] inclosed, and a resolution and order thereupon made by the Constitutional Society? I was.—Were you present at a meeting of the 4th April, when a resolution was made respecting the appointment of delegates to confer, &c.? I do, upon consideration, recollect it; but I opposed the appointment of a convention. Another person and I decidedly and loudly opposed it, and went

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away, understanding that it had passed in the negative. I opposed it on the grounds of its being a bad and improper mode of proceeding; and that it would be better to present a petition to parliament. I do not recollect that any other person besides myself and the person already named opposed this proposition.—You recollect, then, being present upon the 4th of April? Yes.—Do you remember a deputation being appointed to confer with the London Corresponding Societies? I do remember an agreement to appoint a delegation; but I do not recollect the names of the persons of whom that delegation was to consist.—Do you recollect the subsequent resolution for appointing a committee of correspondence? I do not recollect it; but rather think I went away before it passed. I usually left the society before it broke up, as I slept in the country, and of course many resolutions were passed after I went away.—Do you think it right to state what you particularly recollect of the resolution respecting the appointment of a convention? I recollect the opposing it, with the person already named; and I recollect it was carried in the negative.—Is it entered on the books of the society, that the motion for appointing a convention was negatived? I do not know; but it certainly was carried in the negative. I recollect leaving the society with a firm conviction that it had been negatived; and I have since talked with the person already named on the subject, who understood so, as well as myself.—Can you state the name of any person who opposed the appointment of a convention, except yourself and the person you have named? I cannot; that person was against it from the first mention of such an idea.—Was there any debate upon it? There was.—Do you recollect the names of any of the persons who spoke for the appointment of a convention? I do not; there was a good deal of confusion.—Did you ever see the printed resolutions of the society? I do not recollect that I did.—Have you any reason to believe that the resolution against the appointment of a convention was reduced to writing? Probably it was: I made a memorandum of it, as I took minutes myself; I always did so for my own satisfaction, and to refer to upon occasion.—The memorandum I made on this occasion stated, particularly that it had been carried that no convention should take place. I was always decidedly against delegates being sent from the different societies and towns. I took minutes of even what passed at the meetings of the Friends of the People, though I think them very safe persons.—Have you any one of these memorandums? I have not; I have looked for them, and could not find one: they were upon scraps of paper; and not thinking them of importance, I did not preserve them.—As you opposed the formation of a convention, what did you conceive the convention was to do if it did meet? I opposed a convention, having seen the evils of it in other places; and not thinking it the best means of obtaining the object in view.

Mr. Thompson having attended the committee of secrecy appointed by the House, his evidence before the privy council was read to him; and he was asked, if he wished to state any thing in explanation of that evidence? Mr. Thompson desired to explain and alter it; and observed, that in the account given of his evidence before the council, he is stated to have said, that at the meeting on the 4th of April he does not recollect any other person, besides the person he mentioned to the privy council and himself, opposed the proposition for a convention; he now begs to say, that he meant to say, that he does not recollect what other persons, besides himself and the person before alluded to, opposed that proposition. It is stated in the evidence, that Mr. Tooke signed the letter to request a contribution for Mr. Skirving. Mr. Thompson meant to say he was to sign the letter as chairman of the evening. It is stated in the evidence, that he was asked, if he ever saw the printed resolutions of the society? To which he is stated to answer, he did not recollect he did: Mr. Thompson desires to say, that he had never seen before the book shown to him by the attorney-general at the time that question was put to him. And as to the last question, whether he had ever attended any meeting since the 2d of May? he begged now to say, that he went once, with an idea of taking his name out of the books of the society. With respect to Mr. Thompson being present when the toasts were drank; he begged to say he certainly was, but that he did not drink them all, being unwell, and the wine being bad.—On being shown the toasts at the council, he said, he thought some of them very absurd.—Mr. Thompson was then asked by the committee, If there was any individual, besides the person before alluded to, that joined you in opposition to the proposition for a convention? I cannot recollect; but there must have been several, as the question was negatived.—When and where did Mr. Thompson first see or hear the list of those toasts? From the attorney-general in the privy council room. Mr. Thompson was not present at any meeting of the stewards when the toasts were drawn up, previous to the dinner.—Do you recollect Mr. Sharpe being present on the 11th of April, during the debate on a proposed resolution containing the word "Convention?" I do not.—Have you any recollection of Mr. Horne Tooke, in the course of such a debate, remarking, that the debate about the word "Convention" was all nonsense; it was only between a Latin word and an English one? I do not.

APPENDIX H.—Copy of a letter from the Bristol Society for Constitutional Information, to the London Corresponding Society.

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Bristol, 28th January, 1794.

Fellow Citizens;—I am again authorized to write to you, signifying the gratitude of our society for your second epistle, which came to my hands the 3d. inst. After reading its contents, I colleeted as many of our friends as I conveniently could that evening—we read—we blushed—we took courage;—we did more, for we resolved on re-assembling, as we had appointed Prior to the determination we announced in our last. We intend publishing an address, or something declaratory of our sentiments, with all convenient speed;—as soon as this is effected, we shall send a copy or copies to you. From the Courier and Evening Gazette, we have had information of the trial of Mr. Margarot, and his sentence to 14 years transportation. We are by no means at a loss in forming a judgment of the noble cause in which he with others are embarked, nor would we be frightened at such sentences. You see, citizens, your second epistle has quickened our courage, and vivified our patriotism, and rouzed us to resolution; and more, our number is now considerably increased—perhaps your third epistle may do greater things still;—we are sensible 'tis a noble—'tis a virtuous—'tis a godlike and immortal cause in which we are now mutually embarked; and though for parts our effort can be but a feeble one, yet the cause we espouse is mighty—is energetic—it will finally prevail and prosper: it is our firm opinion, could we but arouse them, that patriots would become nearly the majority of our city. We expected to have had the dozen of the Englishmen's Rights, which you mentioned in your first epistle—hope you will send them speedily. We are, fellow citizens, yours sincerely,

The Bristol Society for Constitutional Information, &c.

At a General Meeting of the Delegates of the United Societies at Norwich, held 24th Feb. 1794;

It was unanimously resolved, "That one or more delegates shall be sent to the next general convention, soon as called for by our London Correspondents."

Copy of a letter from the Bristol Constitutional Society to the secretary of the London Corresponding Society.

Bristol, 24th April, 1794.

Fellow Citizen;—You may be sensible, from our last communication, that in the infancy of our patriotic efforts we had many difficulties to overcome, and many strong prejudices to combat.—We laid open to you our real situation; we told you our determination to address the public; and assured you of our unalterable perseverance in the glorious cause of freedom.—This perseverance, however, and these exertions of an individual society, can but little avail, if the societies in the different parts of the kingdom are in themselves disunited, or do not aid and assist each other, agreeable to the principles of philanthropy and fraternity which they so warmly profess. Under this idea, we conceive ourselves treated with a degree of incivism, by your society not answering our last letters; the reasons may be good.—At present we are candid enough to confess, that the circumstance does not appear to us in the most favourable point of view; our address, of which we send you a few copies, we find to have a good effect, and is likely to beget us the assistance of many friends, while our enemies acknowledge there is something very fair, and reasonable in the production.—This is an absolute victory, and we have reason to congratulate ourselves on the prospect of success it opens to us. With a mixture of pain and pleasure, we saw an account of your last general meeting; we lament that the strong hand of despotism should so often interfere to prevent the assertion of the rights of the people, while we rejoice in your manly constitutional perseverance, and applaud and approve your resolution of forming another general convention: our increasing numbers give us every reasonable hope of soon being able more effectually to co-operate with you; while, for the reasons formerly stated, we cannot yet make a positive promise on that head. We hope for an immediate answer.—Favour us with your opinion of our address, and transmit a sketch of your plan respecting the general convention.—By order of the Committee of Delegates appointed by the British Constitutional Society.

Copy of a letter from Newcastle to the secretary of the London Corresponding Society.

Newcastle upon-Tyne, 24th April, 1794.

By desire of a number of friends to a radical reform in the constitution here, I make free to trouble you. We live in a place where an aristocrat magistracy endeavours to stop the genial and benign spirit of national liberty from spreading, notwithstanding a very great number are found here that dare assert the natural and unalienable rights of man, and bear their testimony against the tyrannical encroachments of assumed power on those rights; a good number have formed themselves into societies, and meet weekly, admitting none but known friends; and have assumed no name but that of news-paper companies; these were in great spirits while the British Convention continued to act; but after their suppression a damp was cast on the whole.—Subscriptions were ready to be sent off the very night they were suppressed, and the Gazetteer stopped, which has since been remitted to London, for the use of the persecuted worthies, Muir and Palmer.—Being charmed with your masterly and bold approbation of the conduct of your delegates and noble martyrs for truth, Margarot and Gerrald, and finding your name signed secretary to

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the Corresponding Society, we wish to copy your example: and beg, if you think us worth your notice, give us your views and intentions as soon as convenient, which, I hope, will be a means to stimulate and increase our numbers. Lest this should not come to you, as I have an uncertain direction, I forbear troubling you more at present, in hopes of being favoured with your future correspondence.—Farewell, hoping the hydra of tyranny and imposition shall soon fall under the guillotine of truth and reason.—Your's with all due respect, &c.

Copy of a Letter from the Constitutional Society at Norwich to the secretary of the London Corresponding Society.

Norwich Societies, 29th April, 1794.

Citizen * * *;—It is with great satisfaction we view the manly conduct of you and your colleagues, especially when surrounded as you are by a domineering aristocracy, who notwithstanding their great bluster, are but chicken-hearted;—witness our Norfolk Quixotes, who after being completely foiled at the county meeting, were determined to subscribe to support an armed aristocracy: but, pray, tell it not in the metropolis, that a noble marquis subscribed no more than 200*l.* and another high pensioned lord but 100*l.*; an alderman and leader, and very fierce for church and king, the enormous sum of 20*l.*: these are the men who are ready to spend their lives and fortunes;—but enough of such privileged beings! We should be glad to know whether the Friends of the People consent to a convention, and whether they will take an active part. Please to accept of a few of our bills. We should esteem it a favour that you would send us a few of your late declarations.—P. S. Many of our friends are fully convinced of the necessity, legality, and rationality of a convention: but, query, whether the time be expedient?

Copy of a letter from the secretary of the London Corresponding Society to Newcastle.

1st May, 1794.

Citizen;—It is with pleasure the London Corresponding Society hear that a society on a similar plan, and with the same patriotic objects in view, is likely to be established at Newcastle-upon-Tyne—If ever a crisis arrived that required the exertions of the people to stop the torrent of corruption, infamy, and despotism, that seems likely to overwhelm them, it is the present—in God's name then let us use these exertions.—We are called upon by every thing that is dear to us, as men and as christians. The cause of truth and liberty must finally be omnipotent; therefore doubt not that the glorious reign of liberty and equality will ere long be established, and modern governments with every appendage of wickedness and corruption, will flee in time from their genial influence, as beasts of prey to their dens of rapine and darkness from the rising sun. The London Corresponding Society have beheld with indignation the rapid advances of despotism in Britain, and are ready cordially to unite with every other society in the three kingdoms, who have for their object a full and effectual representation of the people; they therefore have deputed six of their members to meet six members of the Society for Constitutional Information, to form a Committee of Correspondence and Co-operation; this committee meets regularly twice a week at No. 2, Beaufort Buildings, Strand, where any member delegated by your society will meet with every information required.—We inclose you a few of our resolutions, entered into at our general meeting on the 14th of April, which will be sufficiently explanatory of our sentiments and views. We heartily unite with you in wishing that the hydra of tyranny and imposition may soon fall under the guillotine of truth and reason.

Copy of a Letter from the secretary to the Constitutional Society at Sheffield, to the secretary of the London Corresponding Society.

Sheffield, May 11th, 1794.

Friend and Fellow Citizen;—The friends of peace and reform in Halifax having held a general public meeting in the open air, on Monday April 21st, 1794, at which were many friends from Leeds, Wakefield, Huddersfield, Bradford, and the adjacent neighbourhood, the friends of freedom, after the meeting, agreed to hold a general meeting of delegates at Bristol, in order to consider on the measures to be adopted by them preparatory to a general convention. After which our worthy friend citizen ——— of Halifax, being ordered to Sheffield to get the proceedings of the meeting printed, and consult with us upon the subject, they were advised by us to defer at present the meeting of delegates, until further information from you on that subject. I was therefore ordered, at our last committee meeting, to write to you, requesting the favour of as early intelligence as possible on that important business. We are not in the least intimidated in Sheffield, as we can call and hold a public meeting whenever circumstances renders the same necessary; besides, in the house where I reside, we have a large commodious room, where the society can peaceably meet in rotation.—By order of the committee * * * * secretary.

SUPPLEMENT to the Second Report from the Committee of Secrecy.

Since the Second Report of the Committee was presented to the House, a letter has been received by the chairman of the Committee from Mr. Grey, a member of this House, and one of the members of the Society of the Friends of the People, on the subject of the

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correspondence between that society and the Scotch Convention.

From one of the enclosures transmitted by Mr. Grey, it appears that the letters of the secretary of the Friends of the People, dated the 23rd July and 29th October, which are referred to in the Second Report, were written without any authority from the society, or from any committee of the society and are considered by him as only private and personal communications from himself: although this circumstance did not distinctly appear on the face of the letters, there is nothing in the manner in which they are referred to by your committee inconsistent with it; and although your committee, on examining these papers, find nothing in their former statement erroneous; yet, being desirous of putting the House fully in possession of all the additional information which they have received on this subject, they have thought that the most satisfactory way of doing so, is to subjoin the papers communicated by Mr. Grey, without any comment on the observations and reasoning therein contained.

APPENDIX, No. 1.

Chapel Street, June 14th.

Sir;—Upon seeing, in the second Report of the Secret Committee, the Society of the Friends of the People introduced as acting in concert and correspondence with the Scotch convention, I thought it necessary to make immediate inquiry of the secretary, as to the circumstances of any communication that might have passed between them. The result of that inquiry which I desired him to state to me by letter, I have now the honour of inclosing to you, in order that you may have an opportunity, if you think it material to do so, of correcting what appears to me to be an erroneous statement in the report of the Committee. I have also inclosed a printed copy of the proceedings of the Scotch convention, previous to the time of the only communication ever made by them to the Friends of the People, in December 1792, that it may be seen to what the vote of thanks inserted in the report, really referred.—I have the honour to be, sir, &c. C. GREY.

The rt. hon. Wm. Pitt.

APPENDIX, No. 2.

Frith Street, Soho; Wednesday Evening, June 11th 1794.

Sir;—In compliance with your desire of being accurately informed what correspondence the Friends of the People in London have had with the convention in Scotland, or with Mr. Skirving its secretary, I send you the following particulars, which contain not only the substance of the communications with the society, but also of those I have personally made, and of the whole subject, as far as it has come within my knowledge.

The first convention at Edinburgh, in favour of parliamentary reform, consisted exclusively of delegates from the different societies of the Friends of the People in Scotland. By their minutes they appear to have declined communicating with any society which did not take that title. They first met on the 11th of December 1792, and sat only three days. Their name of "convention" was familiar to meetings in Scotland; and they stated the object of their institution to have been to consolidate the common strength of the friends of reform in that part of the country; which is the very same reason given for the establishment of a similar body, for a similar purpose, in London, in 1780.

In their last sitting, on the 13th of December, they voted that certain resolutions should be sent to the Friends of the People in London; which together with the letter inclosing them, I herewith transmit. This was the only communication made from that body. The answer to it stated, that by some accident the resolutions mentioned in the letter were not inclosed; but that the society had seen them in the newspapers: it also assured them of the approbation and concurrence of the Friends of the People in London, according to the terms of their several declarations. I afterwards received printed copies of its proceedings, in December 1792, and May 1793, and could not perceive any thing in them that was not strictly confined to a reasonable parliamentary reform.

On the 2d of May 1793, after having sat three days, it adjourned till October. Many gentlemen of great respectability and of large property were members of it. The magistrates of Edinburgh did not molest, or, as far as ever I could learn, even blame it. And when, in the House of Commons, the question of parliamentary reform was so fully discussed, on the 6th and 7th of May 1793, in which the subject of a national convention was introduced and reprobated, the slightest notice was not taken of the convention at Edinburgh, though it had assembled in the preceding December, and published its proceedings, and had again assembled, seven days before that debate, for the purpose of collecting and forwarding many of the very petitions in favour of reform, which were then under discussion;—a business which it publicly avowed, and which many days prior to the debate was published in the London newspapers.

The next letter received from Mr. Skirving, so far as I recollect, was in the middle of October 1793; it was signed by him, as secretary to the society of the Friends of the People in Edinburgh, and not as secretary to the convention. It solicited the society of the Friends of the people in London to send delegates to the ensuing convention of the Friends of the People at Edinburgh appointed for the 29th of the same month. I showed the letter to two or three members who happened to be then in town, and they agreed with me that I ought to send an answer to

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the following effect:—acquainting Mr. Skirving, that on a subject so important as that of sending delegates to the convention at Edinburgh, it would be necessary to consult the society; but that the shortness of the time rendered it impossible to give proper notice, first for calling the committee (which was not then sitting, and which alone could assemble the society) and then for calling a general meeting; the shortness of the time I represented as the more objectionable in that season of the year, when very few members were in town. I, however, told him that I had consulted some members on the subject, and they had agreed with me, without deciding on the propriety of the measure, that the notice was insufficient, and that therefore his request could not be complied with. I added, that it was highly probable some members of the society, then in Scotland, would be present, and that whatever they agreed to I had no doubt the society would confirm. I said lord Lauderdale might perhaps attend. No person in London saw this answer after it was drawn up. It was entirely of my own writing; and I think it was stated in it that it was merely a private personal communication from myself.

I afterwards understood that the convention of delegates from the Friends of the People in Scotland assembled accordingly on the 29th of October, and sat, as they had done at their former meetings, two or three days. They confined themselves strictly, and I believe sincerely, to the business of parliamentary reform, and then adjourned for several months. Soon after their adjournment, however, the delegates from the societies in London and other parts of England arrived. The convention then reassembled on the 19th of November; and it was not till after this period that it assumed the name of the British Convention instituted for the purpose of obtaining universal suffrage and annual parliaments, or adopted any part of the language or conduct which (with what justice I do not pretend to determine) have exposed it to so much animadversion and censure.

This is the whole of the correspondence, as far as I can recollect, that passed between the Friends of the People in London and the convention, or Mr. Skirving, at Edinburgh. The correspondence that took place between Mr. Skirving and myself could not, from circumstances which occur in my mind, be very important. He sent me the printed minutes of the convention, and I sent him the publications of the Friends of the People in London. The last time I wrote to him was about the end of October, acknowledging the receipt of some copies of Mr. Muir's trial; and I perfectly remember concluding my letter with a hope that the delegates from the societies in London, who had then just departed to meet the convention in Edinburgh, would not import into Scotland any of that intemperate spirit which had brought blame on the moderate and sincere friends of reform in England; I hoped that the Friends of the People in Scotland would continue to persevere with that prudence and moderation in the cause of parliamentary reform, which had so justly obtained them the approbation of the friends to the measure in England.—This letter, I suppose, displeased Mr. Skirving, for he never after wrote to me, nor did I write to him.

Having now detailed the whole of the correspondence, to the best of my remembrance, between the convention and the Friends of the People in London, and between Mr. Skirving and myself, I think it my duty to observe, without presuming to give any opinion on the conduct of the British Convention, that a material distinction ought to be drawn between it and the convention of the Friends of the People. The proceedings of the latter, at their meetings in December 1792 and May 1793, appear to me to have been such as the most timid friend to parliamentary reform could not object to.

Their proceedings at their meeting in October were, I believe, of the same description. When they assembled with the delegates from England, indeed, another system seems to have been pursued. Their meetings had always sat only three days at a time, and they were settled to be held only twice a year. But after it became the British Convention, they then, and not till then, entered into all those measures at which the magistrates and government have expressed so much alarm; and it was not till then that they even declared decisively in favour of universal suffrage and annual parliaments; it is therefore extremely material to remark, that no blame has yet been thrown on the convention of the Friends of the People at Edinburgh, and that between the British Convention and the Friends of the People in London no correspondence of any kind ever took place, nor even any sort of communication between Mr. Skirving and myself after its institution.—I have the honour to be, sir, &c. DANIEL STUART.

To *Charles Grey*, esq. M. P.

P. S. Since writing the above, I have seen the second report of the secret committee of the House of Commons, in which mention is made of two letters that had escaped my memory. The first of those letters containing a resolution of thanks, I never made any minute of, because those thanks were not voted to the Scotch Convention in particular, as might be imagined from the statement in the report, but were passed generally to all societies which had assisted in the cause of parliamentary reform.—After the motion in the House of Commons, on the 6th of May, 1793, the society of the Friends of the People in London, on the 18th of the same month, agreed to the following resolution: "That the thanks of this society be returned to the

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various societies in correspondence with it, for their zeal and activity in the cause of parliamentary reform; and to express a hope and wish that they will proceed with the same spirit, industry, and temper, during the interval between the present time and the meeting of the next session of parliament."—Besides sending copies of this resolution to the different societies in England, it was resolved that copies of it should be sent to the chairmen of the societies in Edinburgh and Glasgow, requesting them to transmit the same to all the societies in Scotland with which they corresponded. The convention at Edinburgh was considered by me, not only as a society with which the Friends of the people in London communicated, but as the best channel for conveying the resolution of thanks over Scotland; and I of course sent them a copy. But I do not find, nor do I believe, that I was instructed to address the resolution to the convention, in preference to the Edinburgh Society of Friends of the People.

With regard to the second letter mentioned in the report, dated the 23rd of July, 1793, I do not, in the slightest degree, remember it; but from the passage there quoted, I have not the least doubt of its being mine: it contains the language I have invariably held whenever the subject of a convention has been mentioned. But it is impossible I at that time could have written as secretary, either in the name of the society, which was not then sitting, it having adjourned on the 4th of June, 1793, without again meeting till the 23rd of January, 1794; or, in the name of the committee, which did not meet from the 30th of April 1793 till the 17th of January, 1794: and as neither the society nor the committee ever authorized me to correspond in their name, without their knowledge, the letter of the 23rd of July must have been a private and personal one of my own—I find that on the 20th of that month I received a parcel of the printed minutes of the convention, accompanied by a letter from Mr. Skirving, in his own name only, and not in the name of any society in which I suppose he took that opportunity of wishing to know my opinion respecting a convention in England. Of such private personal letters I have written many, but as I did not consider them to concern the society, I never kept copies of them. I am, however, certain, that if they were all published, none of them, or even any parts of them, could with justice be censured. The third letter mentioned in the report is of the same private personal nature with the second: I think I wrote it in haste, and I remember it the more particularly, as it was the last I sent to Mr. Skirving. I am very certain that when it is published in the appendix, it will fully justify the account I have already given of it in the body of this letter.

Thursday, 4 o'clock.

APPENDIX, No. 3.

Sir;—I have the honour to inform the Friends of the People in London, that the general convention of delegates from the various societies of the Friends of the People throughout Scotland, unanimously agreed on Thursday last, the third day of their sitting in this place, to address the Friends of the People in London, and the enclosed letter of address was accordingly ordered to be printed and transmitted. I have taken upon me to direct the same to you, upon seeing your name at their resolutions, by this day's post; and to entreat you to communicate it at their first meeting. I will transmit all the proceedings of the convention so soon as the various minutes and resolutions are received from the press.—With great esteem, I am, sir, &c.

W. SKIRVING, sec.

Edinburgh, 19th Dec. 1792.

Samuel Whitbread, jun. esq.

M. P. London.

APPENDIX, No. 4.

Edinburgh, December, 12th.

At a General Convention of the Delegates of the Friends of the People, held this day,

Colonel Dalrymple in the chair.

Resolved, 1. That it appears to this convention that very great abuses have arisen in the government of this country, from a neglect of the genuine principles of the constitution; that these abuses have of late grown to an alarming height, and produced great discontents.—2. That the essential measures to be pursued, in order to remove these abuses, and effectually to do away their mischievous consequences, are, first, To restore the freedom of election, and an equal representation of the people in parliament: second, To secure to the people a frequent exercise of their right of electing their representatives.—3. That for the purpose of accomplishing these constitutional objects, the proper and legal method is that of applying by petition to parliament.—4. That since a speedy and complete redress of our present grievances will most effectually be obtained by the joint co-operation of every Briton who yet retains the spirit and the wish to be free, this convention will, as far as their principles and objects allow them, co-operate with the society of the Friends of the People in London.—5. That this resolution, along with those voted at a former convention, be transmitted by the chairman to the society of the Friends of the People in London.

(Signed) W. DALRYMPLE, chairman.
W. SKIRVING, secretary.

APPENDIX, No. 5.

The Minutes of the proceedings of the General Convention of the Delegates from the Societies of the Friends of the People throughout Scotland. At their several sittings in Edinburgh, on the eleventh, twelfth, and thirteenth of December, 1792.—Edinburgh: printed by J. Robertson, No. 39, South Bridge. *Anno* 1793.

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Baxter's Hall, Edin. Tuesday, Dec. 11, 1792.

At noon this day, the delegates from the several societies of the Friends of the People, throughout Scotland, assembled very numerously in their convention room here, in compliance with the following public advertisements:

Sir;—The convention of delegates from the various societies of the Friends of the People, in and about Edinburgh, who assembled here upon the twenty-first instant, expressed a unanimous wish for a general convention of delegates from the various societies in Scotland established upon similar principles. If it shall meet the approbation of the majority of the societies, they propose to hold a convention, upon the eleventh day of December next, in the city of Edinburgh. The various advantages which will result to the whole, from a consolidation of our common strength, are too obvious to be detailed. If you approve of this measure, and resolve to send delegates, inform us, in course of post. It shall be our care to prepare a proper place for meeting, of which we shall give you timely and regular notice. Be pleased to direct your letters to our secretary, Mr. William Skirving, head of Horse-wynd, Edinburgh.—By order of the committee of convention, W. Skirving, sec.

Edinburgh,
Nov. 23rd, 1792.

P. S. We earnestly request of your society, to communicate this intimation to any societies in your neighbourhood, of whose existence, in consequence of their not having published their declaration of principles, we may be ignorant.

A convention of delegates from every society of Friends of the People in Scotland, will be held at Edinburgh, in Baxter's-hall, in James's court, on Tuesday the eleventh of December next, at twelve o'clock noon, against which time the general committee shall have every thing prepared for the reception of the delegates.

After a short conversation, Messrs. Bell, Muir, and Skirving, the present president, vice-president, and secretary, of the Edinburgh general association of the Friends of the People, were requested to officiate in these several capacities, until the powers of the delegates should be verified.

Mr. Hugh Bell in the chair.—The commissions to the several delegates were produced, and read. The roll being made up, was called over, name by name, and intimation several times made, that if the name of any delegate had been omitted, it should now be given in. The convention was then declared assembled; and the president, vice-president, and secretary retired.

General Convention assembled. — Some conversation took place relative to office-bearers and committees, and the impropriety of having these permanent. The convention at length, on the motion of lord Daer, resolved, that they would elect a president each day, or sitting; and upon a motion by Thomas Muir, younger, esq. of Huntershill, it was resolved, that the secretary should be permanent. Lieut. col. Dalrymple of Fordel was then unanimously called to the chair; and W. Skirving, of Strathruddy, elected secretary.

Colonel Dalrymple in the chair. — After some motions relating to order, moved by lord Daer and Mr. Fowler, and ordered to be laid upon the table in writing, the convention proceeded to a declaration of principles; and a scroll of resolutions being presented by John Morthland, esq. advocate, the convention, upon his motion, resolved itself into a committee, to consider the same, and to report against to-morrow's sitting.—Resumed the convention.

Col. Dalrymple in the chair.—Mr. Muir moved, That the two motions made by capt. Johnston, resolved and published by the general association of the Friends of the People, in and about Edinburgh, be also adopted and published, as the resolutions of the general convention. The same was agreed to unanimously, and a copy, drawn up in proper form, was ordered to be laid before the convention to-morrow. A motion was made to adjourn till 6 o'clock in the evening; but, as this was opposed, it was agreed to adjourn till 10 o'clock next forenoon.

Convention Room, Wednesday 10 *o'clock.*—The delegates assembled conform to the adjournment. Lord Daer moved, that the president of the former day take the chair till the meeting was full, and that then they should elect their president for the day, agreeable to their former resolution; and the same was adopted.

Col. Dalrymple in the chair.—Lord Daer, as ordered yesterday, gave in to the table, the following motions; 1. That it shall not be a rule, that when a motion is made and seconded, it shall be decided upon before any other be heard. 2. That when a subject is announced as the business for consideration, it shall be permitted to any person to propose what motions thereon he shall think it is proper should be adopted; and that when all the motions are laid on the table which any wish to propose, a vote shall be put, which proposal shall be first taken into consideration. 3. That when any business is under consideration, any incidental motion may be introduced; and if the meeting choose not to take it into consideration at that moment, the meeting shall declare this, by resolving to pass on to the ordinary course of business. 4. That any motion may be discussed the day it is proposed; but that it shall not be finally decided or published to the world, till it be confirmed next day.—The meeting being now full, lord Daer was unanimously called to the chair.

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Lord Daer in the chair.—Mr. Muir rose, to read a printed paper, which had been sent from Ireland, intituled, Address of the United Irishmen in Dublin, to the Delegates for Reform in Scotland; the reading of it was opposed, in point of form, the same not being before the House; but the address being declared a masterly performance, and a declaration that afforded the most flattering evidence of the union and philanthropy of the friends of reform in Ireland, the reading of it was universally called for. After reading the same, the convention passed to the order of the day. —Lord Daer being obliged to leave the meeting, the last preses was called to the chair as a matter of course.

Col. Dalrymple in the chair.—The report of the committee was called for, the resolutions adopted in committee were read, and debated paragraph by paragraph, when the following were, with great unanimity, resolved in convention, and, ordered to the published. Resolved, 1. That this convention, taking under consideration the insidious, wicked, and inflammatory artifices, employed by the enemies of all reform, to misrepresent and calumniate the Friends of the People, as the promoters of public discord, and advocates for an unjust and absurd violation of private property, by an equal division—Think it incumbent upon them to declare, that they hold all such unprincipled designs in utter detestation and abhorrence, and that they will maintain the established constitution of Great Britain, on its genuine acknowledged principles, consisting of three estates—King, Lords and Commons. 2. That the members of this convention will, to the utmost of their power, concur in aiding and strengthening the hands of the civil magistrates throughout this kingdom, to repress riot and tumult, and all attempts whatsoever to disturb the tranquillity, happiness, and good order of society. 3. That it appears to this convention, that very great abuses have arisen in the government of this country, from a neglect of the genuine principles of the constitution; that these abuses have of late grown to an alarming height, and produced great discontents. 4. That the essential measures to be pursued, in order to remove these abuses, and effectually to do away their mischievous consequences, are, first, to restore the freedom of election, and an equal representation of the people in parliament. And, secondly, to secure to the people a frequent exercise of their right of electing their representatives. 5. That, for the purpose of accomplishing these constitutional objects, the proper and legal method is, that of applying by petition to parliament. 6. That these resolutions be printed in the Scots and English newspapers; and also be printed in hand-bills, for general distribution among the associated Friends of the People, in different parts of Scotland.—Adjourned till 6 o'clock in the evening.

Convention Hall, Wednesday, 6 o'clock. Col. Dalrymple in the chair.—The secretary presented the plan of organization for individual societies, for district associations, and for general conventions; together with a written motion by Mr. Fowler, for a committee of publications, for the purpose of communicating instruction. The same were received; and Messrs. Wilson and Fowler were requested to bring them before the House at a proper opportunity. Mr. Muir and others brought forward the following motions, which were unanimously adopted; namely, resolved, 1. That this convention do address the Friends of the People at London. 2. That the thanks of the convention be returned to Messrs. Grey, Erskine, the earl of Lauderdale, the marquis of Lansdowne, col. M'Leod, lord Daer, and col. Dalrymple, for their patriotic services in the cause of the people: to J. H. Tooke, esq; for his masterly support of freedom: to the hon. major Maitland, Mr. Sheridan, Mr. Muir, Mr. Bell, and capt. Johnston, for their important assistance to overturn corruption: also to the right hon. Charles Fox, for his determined speech in the last meeting of the Whig Club; and lastly, to all those members of the House of Commons, who have supported in parliament the cause of the people.

Agreed to captain Johnston's two resolutions of yesterday, which are as follow: Resolved, 1. That it be recommended to each Society of the Friends of the People, to expunge from the roll of their members, the name or names of any individual or individuals, who may have acted illegally, tumultuously, or in any way to the disturbance of the public peace. 2. That any individual or individuals, of the societies of the Friends of the People, whose conduct may have been legal and orderly, and who may be persecuted by the arm of power, for adhering to the cause of the people, be defended by the united strength of the Friends of the People.

The five following motions which Mr. Skirving proposed, were ordered to lie on the table: 1. That the Friends of the People in Britain, should unite in the application to parliament, both as to the extent of reform to be demanded, and as to the manner of executing their petition for the same. 2. That, therefore, this convention should send two or three deputies to London, to concert a common plan with the Friends of the People there, advising always with the general committees at Edinburgh, Glasgow, &c. 3. That these committees, while the deputies remain at London, should meet weekly, in order to instruct the deputies from time to time. 4. That when a common plan of operation is thus procured, a general convention be called, to approve or amend the same, and particularly to direct the manner in which the petitions shall be executed and presented to parliament. 5. That the convention recommend, That the Friends of the Constitution and of the People, be in the mean time diligent, in forming themselves every where into societies,

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in order to give the greater energy to their petitions.

Mr. Allan proposed the following to be added to the resolutions already adopted:

"That, in order to supersede the necessity of constantly resorting to the aid of a military force, it be recommended by the convention, to the associated Friends of the People, in the different parts of the country to hold themselves in readiness to support the civil magistrate, when required, for the suppression of any popular tumults that may arise in their neighbourhood." This motion was deferred, on account of its importance, till next day.

Mr. Muir moved, to appoint a committee of finance; and the following regulations were unanimously adopted; namely,—resolved, 1. That each district association, shall have a committee for regulating their own respective finances—that the several committees of finance, shall correspond with the Edinburgh committee of finance, as the committee also of finance for the general convention, and remit to this committee, as such, their respective contributions for the public interest. 2. That this committee of general finance, in Edinburgh, shall lay before each convention a state of the receipt and expenditure. 3. That the convention, on the first day of their sitting, appoint a committee of constraint, for the purpose of inspecting the accounts of the convention's committee of finance; and report the result of their examination to the convention.

A motion that had been formerly made verbally, and adopted in the resolutions, to petition parliament, was resumed; and the convention resolved to petition parliament with all convenient speed; and a committee was appointed to draw up a schedule of said petition, and to present the same to-morrow.—Adjourned, till ten o'clock to-morrow.

Convention Hall, Thursday, 10 *o'clock*.—The delegates convened conform to adjournment; colonel Dalrymple in the chair. Mr. Morthland moved, to have the two following resolutions added to the former ones: resolved, 1. That since a speedy and complete redress of our present grievances will be most effectually obtained by the joint co-operation of every Briton, who yet retains the spirit and the wish to be free, this convention will, as far as their principles and objects will allow them, co-operate with the Society of the Friends of the People in London. 2. That this resolution, along with those voted at a former sitting of this convention (page 731) be transmitted, by the chairman, to the society of the Friends of the people in London.—And the same was ordered accordingly.

Mr. Fowler read the copy of the petition to parliament which had been ordered; and it met with general approbation, as to the matter of it; and was remitted back to the committee, to be put into the form appointed by the House of Commons, and thereafter transmitted to the different societies for approbation.—Mr. Wilson then brought forward the plan of organization, for the different bodies of the Friends of the People; after reading over the whole of it, the convention recognized the right of individual societies, to regulate their own internal order, and resolved, that these words be inserted, "with power to any ten towns, in which there is a society of the Friends of the people, to call a general convention."—Mr. Morthland next brought forward the following motion, proposed by Mr. Ritchie of Edinburgh.—Moved, That the secretary to this convention, transmit to the secretary of burgesses associated for the purpose of obtaining a reform in the internal government of the Royal Boroughs of Scotland, a letter inclosing the resolutions, containing the declaration of principles drawn up and published by this convention, and recommending to the burgesses, if the above declaration of principles meets their approbation, to co-operate with the Friends of the People, in the common cause of obtaining the great objects of reform expressed in these resolutions.—In Place of this motion, the following was submitted by Mr. Skirving, and seconded by captain Johnston and others.

Moved, That if any members of the association for borough reform, apply to the Friends of the People to be admitted, they will be received cordially. But the convention can admit no societies, but societies of the Friends of the People.—After a long debate, the votes were taken, and the first motion was negatived, and the second adopted,

Upon the motion of Dr. Yule, an address to the citizens of Britain at large, was unanimously resolved, and a committee appointed to draw up the same. The following motion, submitted by Mr. Ellis, was likewise unanimously resolved: "That it be recommended to the People, to form associations in every county, composed of members from the different societies in that county, in order to ascertain the state of population, the number of electors, the quantity of taxes paid, the partial taxes, and the local grievances of that county. That they publish the same, or transmit them to the committee of finance at Edinburgh."

Mr. Fowler then moved, "That the thanks of the convention be returned to convener Lindsay of Coltbridge, and the other friends of liberty, who in a liberal and manly manner, refuted the aspersions thrown on the conduct and intentions of the Friends of the People, in the late meeting of the fourteen incorporated trades of Edinburgh;" the same was unanimously agreed to, and the convention expressed their sense of the benefit which was done to the cause by the patriotic conduct of that meeting at large.

Captain Johnston in the chair.—Resumed the consideration of Mr. Allen's motion of yesterday; when sundry members thinking that it was expressed substantially in the second general resolution, now printed, Mr.

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Allen agreed to withdraw it. It was then resolved, that the thanks of the convention be given to the secretary, Mr. Skirving, for his unremitted application to the business of the society; and that a small committee be appointed to assist him in extending, and publishing the proceedings of this convention.[*]

John Millar, esq; Advocate, called the attention of the convention, to certain resolutions in the Edinburgh Herald of the day, of which the following is a copy:

"We whose names are hereunto subscribed, being unanimously and decidedly of opinion, that for the security and happiness of all classes of our fellow-countrymen, for the maintenance of our own rights and liberties, and for those of our posterity, it is, in the present moment, incumbent upon us, and all good subjects, to give to the executive government an effectual support in counteracting the efforts of sedition, and in suppressing, in their beginnings, all tumults or riots, on whatever pretence they may be excited; do hereby publicly declare our determination to take all such steps for these purposes as are within the limits of our duty in the several stations in which the constitution of our country has placed us and to afford, by our individual exertions, thar active assistance to the authority of the lawful magistrate and to the maintenance of the established government, which is at all times due from the subjects of this free and happy kingdom; but which we feel to be more peculiarly necessary at a time when insidious attempts have been made to deceive and mislead the unwary.

"With these sentiments, and to this intent, we are

"Resolved, and do Declare,

"That we will stand by the constitution with our lives and fortunes.

"That we will jointly and individually use our utmost endeavours to counteract all seditious attempts, and, in particular, all associations for the publication or dispersion of seditious and inflammatory writings, or tending to excite disorders and tumults within this part of the kingdom.

"That we will, on every occasion, exert ourselves on the first appearance of tumult or disorder, to maintain the public peace, and to act in support of the civil authority for suppressing all riots and tumults that may be excited.

"And whereas, we are of opinion, that it would greatly conduce to the maintenance of peace and good order, that means should be used to give such just and proper information to our fellow-subjects as may tend to remove the false and delusive opinions that have been industriously circulated amongst them, and to impress on their minds a proper sense of the invaluable blessings secured to this nation by our happy constitution: we have agreed diligently to promote the circulation of such writings as may contribute to this important end."

Having read these resolutions, he moved, that the convention do approve of the same, and in testimony of such approbation, that the president and secretary, with as many of the delegates as still remain in town shall subscribe the paper now lying in Goldsmith's Hall. Mr. Morthland seconded the motion. Some delegates, particularly Mr. Christie of Laurencekirk, doubted the propriety of the motion. Notwithstanding of which it was resolved, that the delegates, in parties of eight or ten at a time, should go down and subscribe the same; adding to their names, friend of the People, or delegate, &c. Upon the president and a few more withdrawing for that purpose, Mr. John Clark, architect, was called to the chair, when, after some conversation, the meeting was adjourned till six o'clock in the evening. The delegates having once more assembled conform to adjournment, Mr. Bisset from Dundee, was unanimously called to the chair.

Mr. Bisset in the chair.—The convention resolved, that a great number of their resolutions and minutes be printed, and sent to all the societies, and committed the same to the direction of the Committee of Finance at Edinburgh; and Mr. Muir moved, that the secretary be enjoined to give sufficient notice to the Edinburgh Committee of Finance, that they were likewise appointed the Committee of Finance for the general convention; and upon the secretary's motion, the following instructions, drawn up by Mr. Muir, were unanimously recommended to their observation:

To the Committee of Finances of the Edinburgh Convention.

"The general convention has instructed each particular society, to form a Committee of Finance, for managing their own private and public contributions. The convention has requested you to take the management of the expenses which their sittings here may have incurred. In this department of their business, they consider you as their committee. The particular societies will transmit to you their respective proportions of the general expense. The first general convention has left each particular society to the freedom of their own will, in regard to the different assessments they may lay upon their members."

"You will kee a regular accompt of the public expenditure and outlay, which you will lay before each general convention for their examination."

"As soon as you have collected the amount of the general expense, inform each particular society by a circular letter, in order that the societies may, without delay, transmit to you their respective proportions."

A respectable member informed the convention, that a society had been just now

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formed upon the principles of the Friends of the People, whose members in general, were gentlemen of landed property to a very considerable extent.—Mr. Morthland moved, that the thanks of the convention be returned to Mr. Fowler, for his eminent services in the business of the convention; and the same were given unanimously.—It was then moved by Mr. Drummond, to thank the country delegates, for their ardent zeal in the cause, manifested by coming up so numerously at this inclement season, and for their disinterested conduct during the sitting; and this was done with heart-felt satisfaction.

Mr. Bisset in the chair, begged leave to move the return of thanks from the country delegates, to those in the town and neighbourhood, for the care and attention to the cause which they had manifested, in assembling so opportunely and properly a convention of the societies of the Friends of the People. And to this the country delegates heartily consented. The president then addressed the delegates, exhorting them to persevere in the great and good cause in which they had embarked, until their object should be completely attained. The warm approbation, with which the convention received this sentiment, sufficiently expressed their concurrence in it, and their firm determination to persevere.

Adjourned.

W. SKIRVING, secretary.

The said Report was ordered to lie upon the table, and be printed for the use of the members.

June 16. Mr. Pitt presented the Supplement to the Second Report from the Committee of Secrecy, a copy of which will be found at p. 864.

Mr. *Sheridan* made some observations on this Supplement; in the course of which, he maintained, that there appeared in the Report something like an intention to insinuate that there existed between the society of the Friends of the People, and that of the British Convention at Edinburgh, a connexion from beginning to end; whereas it appeared that no such connexion existed farther than while that convention professed to have nothing in view but a reform in parliament; this was evident from the whole tenor of the letters of Mr. Stuart, the secretary to the society of the Friends of the People, signed and written by him as a private gentleman, and not in his official capacity, directed to Mr. Skirving at Edinburgh. He said it was not fair to charge the society with the contents of a letter containing the sentiments of a private person. He complained that a letter, dated the 16th of October, 1793, in which Mr. Stuart stated that he only spoke his private opinions, as neither the society nor committee were sitting, was suppressed in the report, while all his other letters, which the Secret Committee, by the letter they suppressed, must have known to be only private personal ones, were inserted as the acts of the society. There was, indeed, nothing in any of the letters of which he did not approve; and from his personal knowledge of that gentleman, he should not hesitate to defend, or even be responsible for his opinions; but the omission of this particular letter he must consider as a design to implicate the Friends of the People collectively in those charges which were brought against other societies. If ministers had any doubts on the subject, he wished to know why they did not send for, and examine, Mr. Stuart; if they had done so, every doubt on this business would have been cleared up at once.

Mr. *Pitt* maintained, that the report was the only one the committee ought fairly to make; they had detailed dates and circumstances, and left the conclusion to the House. He acknowledged that the letter of the 16th of October had been before the committee, but being avowedly private, it was withheld. The letters inserted, though not signed by Mr. Stuart, as secretary, wore the appearance of being written by direction of the society, as they contained orders for newspapers, &c. in their name. But whether they were written from himself personally, or by the authority of the society, it might not be improper for the House to be made acquainted with the sentiments expressed by a gentleman so highly in the confidence of the society.

Mr. *Grey* said, that the Secret Committee were in possession of a private letter of Mr. Stuart's, dated the 16th October, 1793, in which it was stated, that nothing could be done before the 29th of that month, either by the society or committee of the Friends of the People, as neither of them were sitting, and very few of the members in town. It luckily happened, that in this letter it was stated to be a private one of Mr. Stuart's own, otherwise, from the conduct and reasoning of the committee, it was probable they would have inserted it as the act of the society or committee, notwithstanding it was written expressly to state that neither of them was sitting. But although the Secret Committee was in possession of

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that letter, which stated that the Friends of the People could not do business by the 29th of October, they had inserted in their report a letter (evidently a private one of Mr. Stuart's) dated on the very day which was pointed out by Mr. Stuart, as one too early for the society to do business. The committee therefore knew that the society could not do business on the 29th of October, yet they had attempted to represent the evident individual acts of the secretary on that day, as the acts of the society. He said evident, because the letter alluded to was not only written in the personal style of "I received"—"I hope, &c." but began in the familiar and unofficial style of "Dear Sir." This letter, therefore, was, on the face of it, a private and personal letter; and the committee must, by the letter of the 16th of October, particularly have known it to be such. From these circumstances it was clear, that the Secret Committee did not sufficiently consider the correspondence of the Friends of the People and Mr. Stuart, and that the effect of misrepresenting that correspondence was, to involve the Friends of the People in a general charge, of which the committee had the means of knowing them to be perfectly innocent. This misrepresentation was, however, of little importance, so far as the words in Mr. Stuart's letters were supposed to fix any blame on the society, because he avowed those words to be such as he strictly approved: but it was of great importance in showing that the subject had not been truly stated by the committee.—The proving of the Secret Committee to have misrepresented certain facts, was therefore just ground for doubting other parts of their report. He might also observe, that it would have been more candid in the Secret Committee, when they were suppressing, as they must have done, much matter foreign to their purpose, either to have avoided any mention of the society of the Friends of the People, or to have acknowledged, that no appearances of improper conduct on their part could be discovered. To mention the society was equal to publishing the names of its known principal members; and in a collection of circumstances which they produced as a proof of a conspiracy, to bring forward a society or an individual against whom they proved no impropriety of conduct, and cast no blame, and to confound them indiscriminately with societies and persons whom they accused of treason, was inconsistent with that reserve and delicacy professed by the committee in suppressing the names of persons and places, and tended to involve individuals in charges of which they were innocent, and to expose them to the unmerited calumny of undistinguishing heat and malignant insinuation.

Mr. *Sheridan* said, that for the honour of the Secret Committee, he had been in hopes that Mr. Stuart's letter of the 16th of October had never fallen into their hands; but now that it was owned by their chairman, he thought it completely showed their design of misrepresenting the society of the Friends of the People, by suppressing those papers which might show their conduct in its true colours, and bringing forward only those which they thought would subject it to censure.

The *Attorney General* said, the letter of the 16th of October was suppressed, in delicacy to a noble lord whose name was made use of in it, evidently without his knowledge; and as to the letters of Mr. Stuart which the committee had published, he thought it immaterial whether they were set down as Mr. Stuart's private acts or the acts of the society; for they contained only a repetition of sentiments which had formerly been published and avowed by the Friends of the People. Mr. Stuart's saying that it would be premature and rash to call a convention at present, was almost the very words of a letter signed by the hon. gentleman (Mr. Grey). The Sheffield Society, on the 14th of May, 1792, in a letter to the Friends of the People, recommend a convention, and they are answered, that the Friends of the People do not yet feel themselves prepared to decide on such a measure; but that in a more advanced stage of the business is might become fit matter for deliberation.

Mr. *Francis* said, that many things which he had heard that day were perfectly new to him; particularly some circumstances alluded to by Mr. Pitt, which were supposed to involve a society, of which he was a member, in the criminal conduct imputed to a certain convention at Edinburgh, or at least in some connexion with that meeting. He had regularly attended the meetings of the society of the Friends of the People, at Freemasons' Tavern, to which he belonged, and had never heard of any of the transactions now brought forward: or, if he had heard of them, he had utterly for-

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gotten them. He knew nothing of the proceedings or designs said to be carrying on at Edinburgh; but it appeared to him a most extraordinary and suspicious circumstance, that, while the Committee of Secrecy were hunting for evidence, and collecting information of every kind, and while they professed to lay every thing that came to their knowledge candidly and fairly before the House and the public, they should have designedly suppressed any part of it, as the right hon. gentlemen acknowledged they had done. If they thought it right to publish the private letters of Mr. Stuart, as those of the secretary to the society of the Friends of the People, they should have published all of them; they should have suppressed none; and least of all, should they have suppressed that particular letter of Mr. Stuart to Mr. Skirving, written in October last, the substance of which was stated in Mr. Stuart's letter to Mr. Grey of the 14th instant.—Here Mr. Francis desired that the passage to which he alluded, in this last letter, might be read; and the same was read accordingly, as follows: "That, on a subject so important as that of sending delegates to the convention at Edinburgh, it would be necessary to consult the society; but that the shortness of the time rendered it impossible to give proper notice, first, for calling the committee (which was not then sitting, and which alone could assemble the society), and then for calling a general meeting; the shortness of the time I represented as the more objectionable in that season of the year, when very few members were in town. No person in London saw this answer after it was drawn up; it was entirely of my own writing; and I think it was stated in it, that it was merely a private personal communication from myself." Mr. Francis then appealed to the House, whether it did not appear plainly, from the contents of this letter, that, supposing the proceedings of any persons at Edinburgh to be in any degree criminal or unlawful, the society of the Friends of the People could not possibly have had any concern with them, or even a knowledge of any thing they were doing. The society itself had adjourned from summer to the meeting of parliament; and even the meetings of the committee, appointed to act in the interval, had been suspended. Neither the society nor the committee was, or could be, assembled; the fact stated in this letter was a complete exculpation of both; yet, of all the private letters which the Committee of Secrecy had got possession of, this letter was the only one they had thought fit to suppress. Such a proceeding spoke for itself, and required no comment. The fact was before the House; the right hon. gentleman had acknowledged that the Committee of Secrecy were in possession of the letter, and that they designedly withheld it.—Such a proceeding, in his opinion, highly affected the honour and integrity of the committee, and they were bound to clear it up.

Mr. *Lambton* called the attention of the House to the particular construction of the various letters Mr. Stuart had written in his official and individual capacity which exemplified their difference. The former, of which the vote of thanks on the 28th of May was one, began—"By order of the society of the Friends of the People," and were signed by "Daniel Stuart, secretary to the society of the Friends of the People:" whereas, the letters quoted by the committee were solely signed by himself in his individual capacity.

Major *Maitland* rose to vindicate lord Lauderdale; who, in the letter suppressed, had been mentioned by Mr. Stuart as likely to be present at the meetings of the Scotch Convention. It had been pretended that the letter of the 16th of October was suppressed in delicacy to lord Lauderdale, because it said his lordship might perhaps be present at the convention. This reason was clearly fallacious; for the committee had always professed that they would suppress the names of all persons who were not accused, or even who might be brought to trial. The letter in question might, therefore, have been inserted, with the omission of lord Lauderdale's name. But even if his name had been inserted, and admitting that to have it in contemplation to attend the convention was a crime, yet still the letter would not criminate his lordship. It was expressly the individual act of Mr. Stuart, who probably thought he could not take upon himself to say either that the society would or would not send delegates. He therefore left the decision as to the propriety of acting with the convention, to the members of the society then in Scotland, and perhaps named lord Lauderdale with no other view than that of pointing out his lordship as one whose conduct was most likely to be such as

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would afterwards be approved by the society. But his lordship finding that violent characters from England were about to join the convention, refused giving it his countenance. He heartily disapproved of the wild, absurd schemes which had been entertained by that body; and he affirmed that there was not a more sincere friend to the constitution and to the country, than his noble relation.

Mr. *Whitbread* said, it was inconsistent and contradictory to defend the publication of two letters of Mr. Stuart, on the ground that it was important to show his private sentiments, and yet to suppress the only letter whch explicitly said it contained his private sentiments. If the committee really had been desirous of showing Mr. Stuart's private sentiments, they would have published the letter of the 16th of October, in preference to the other two. This, he affirmed, amounted to full proof, that the object of the committee was not to show Mr. Stuart's private sentiments, (which he fully approved), but to misrepresent them as the sentiments and acts of the society.

Mr. *Dundas* congratulated the House, the country, and magistrates of Scotland, on the conversation which had taken place that night. The result of that conversation afforded a full answer to all the calumnies which had been so industriously circulated against the court of justiciary for their laudable discharge of their duty, since it manifested that those very gentlemen, who had been most forward in censuring the magistracy of Scotland for their conduct with respect to the British Convention, seemed now to be anxious only to fly from any implication with the members of that British Convention.

Mr. *Fox* said, he retained, in their full force, all the sentiments he had expressed on the conduct of the magistrates of Edinburgh upon this subject: and wished to know by what authority the papers of Mr. Skirving had been seized, he being clear it was illegal to seize them at all, if the person possessing them was not charged with high treason. The sentiments expressed by the secretary of state conveyed the idea, that no society should be allowed to exist, if its principles were disavowed by all parties in that House; that was a doctrine to which he never could subscribe: there had been many societies to which he should be sorry to belong, and to whose principles and professions he could not assent, yet whose existence was strictly legal and constitutional. He was an enemy to the idea of thus blaming any society in the lump; it was a conduct that was not warranted by the spirit of our constitution.

Second Report of the Secret Committee of the House of Lords respecting Seditious Practices.] June 7. The Lord Privy Seal presented the Second Report of the Secret Committee, of which the following is a copy:

> The Second Report from the Committee of Secrecy appointed by the House of Lords, to inspect the Report and Original Papers, and the Book sealed up in a bag, delivered on Monday the 19th of May last, by a Message from the Commons; and who by the order of the House of Wednesday the 21st of the same month were empowered to send for persons, papers and records, and to receive such communication as may be made to them by his majesty's orders, or by the committee of secrecy appointed by the House of Commons, and to report thereupon, from time to time, as they shall see cause.

Ordered to report. That your committee has proceeded in the farther examination of the books and papers referred to them; and, in pursuance of the powers given to them by the House, have also taken under their consideration the depositions and examinations of several persons, papers found in the custody of those who have been apprehended, and intelligence communicated to them by one of his majesty's secretaries of state.

After a diligent investigation of all those sources of information, the conclusions they had formerly stated to the House, and the facts and propositions contained in the report of the secret committee of the House of Commons referred to them, appear to be incontrovertibly established. The extent and danger of the extravagant and fatal designs entertained by a number of disaffected persons, and the rapid progress lately made in the measures taken to carry such designs into execution, are illustrated and made manifest in as satisfactory a manner as circumstantial evidence can admit.

The first object to which the attention of your committee hath been directed, was the preparation of arms referred to in their first report of which they were then only authorized to say, that strong indications had appeared. The evidence which they have since examined, as well as subsequent discoveries providentially made, have brought that important part of the case more fully to light.

But in order to place that object in its just point of view, and to illustrate its connexion with other parts of the general conspiracy for the destruction of the constitution, it has ap-

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peared to your committee that it would be fit to state, in the first place, the circumstances which preceded that preparation of arms, and those under which it took place.

From authentic and public documents it appears, that, subsequent to the imprisonment of the late French king, the abolition of monarchy, and the establishment of a democratical revolutionary government, in France, a direct and avowed correspondence was carried on between the Convention in France, and certain persons in his majesty's dominions, for the undisguised purpose of an union of principles and conduct.

The addresses sent to the French convention in the month of November 1792, and the answers returned to them, are matters of public notoriety. The committee, referring to the statement given of them by the report of the secret committee of the House of Commons, have further to observe upon these addresses that it now appears that the idea was first conceived after the massacres at Paris, in the beginning of September 1792, was drawn into form after the invasion of the Netherlands, and that it was not the sudden act of a few individuals, or even of one particular society, but was long under deliberation communicated to other societies in different parts of the kingdom, assembled under various names, and the common pretext of parliamentary reform, adopted by many, and finally transmitted as a declaration of the sentiments of a majority of the English nation.

The committee has bestowed a particular attention to investigate the proceedings of that society, which assume the name of the London Corresponding Society; because, from the character, habits, and condition of those who compose it, compared with the style and language, as well as the method and contrivance discovered in their proceedings, it is most probable that it must have been guided by persons of a superior education, and more cultivated talents, than appeared amongst the members of this society. For the direct and avowed connexion which took place in the beginning of April last, between this society and the Society for Constitutional Information, and the plan of co-operation then established between them, the committee again refer to the report of the secret committee of the House of Commons now before the House.

The London Corresponding Society, in the first formation, which was about January 1792, appears to have been planned and directed by leading members of the society for Constitutional Information, and in the course of its subsequent proceedings, the measures they pursued were in many instances privately concerted with persons of the same description. The number of persons first assembled did not exceed two hundred. In the course of a few months their communications with similar societies in various places became very frequent, and they began to assume a form and method of proceeding by sub divisions and delegations, which have to them an appearance of consequence, and of increasing numbers, they were the ostensible promoters of the Address to the French convention, presented in November 1792, and the instruments to carry on the correspondence upon it in the country; from whence they have taken every occasion to extend their other communication with these other societies, which they have industriously drawn to a close, intimate, and dependent connexion.

The war, commenced against his majesty by the persons exercising the powers of government in France, suppressed the open communication with the French Convention, but neither that circumstance, nor the repeated declaration of parliament had any effect to restrain the avowal of those doctrines which had led that convention to all those excesses which have proved so destructive in France to the principles of social order, of religion, and of morality.

In the course of the year 1793, a plan appears to have been conceived, and in some degree brought into a regular shape, for uniting the different meetings, formed by the artful dissemination of seditious publications, inviting men to follow the example of France, into such a body as might be brought to act to one given object, and be subject to one general direction.

The most marked effect of this plan was, the assembling a body under the name of a convention, which made its first public appearance at Edinburgh on the 29th of October 1793.

The design of this meeting had been known and concerted for some time with societies in England, particularly with the Society for Constitutional Information, and the London Corresponding Society. Two delegates to this meeting were chosen, and sent from the London Corresponding Society; a regular allowance for their journey and expenses, at a rate very considerable in respect to the apparent funds of that society, was voted for their support, and actually paid: these delegates were Margarot and Gerrald. They appeared, by the sequel, to have been, in effect, not only delegates but conductors of the affairs of the intended meeting; and deriving a considerable consequence from the supposed representation of the society which sent them, and other societies in England from which they afterwards produced commissions. Two delegates were also chosen from the Society for Constitutional Information.—Sinclair, and a person known under the name of Yorke.

After sitting four days in expectation of the English delegates, the meeting which had, consisted of about 150 persons from different parts of Scotland, separated, because the English delegates had not arrived. In two days afterwards they came; a delegate from Sheffield also arrived; and Sinclair one of the delegates from the Society for Constitutional

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Information. Mr. Hamilton Rowan and Mr. Simon Butler, stating themselves to come on the part of a society called the United Irishmen, but having no commission, made their appearance likewise, and were all introduced to a general committee of the convention, and received as delegates.

A meeting of the convention, which had separated before the appearance of these persons, was immediately summoned by Skirving the secretary, and by public advertisement, for the 19th of November, on which day it was held and consisted of about 160 persons.

The first four days of their meeting were employed in settling forms, and in an examination of the commissioners of the delegates supposed to be given by meetings of the inhabitants of the places from which they were dated, but which meetings were in very few places known to have existed, or to have been called for any such purpose. All these commissions were of course allowed to be valid. On the 22d day of November, this meeting voted itself to be the British Convention, and assumed that style in their minutes and other proceedings which were dated 'in the first year of the British Convention' and in some instances, "in the first year of the British Convention one and indivisible."

The meeting thus formed, proceeded to act in exact imitation of the French Convention, adopting all its forms, phrases and modes of proceeding, forming committees of organization, of instruction, of finance, of secrecy, decreeing honours of the sitting, honourable mention of services, and what may merit more serious attention than the affectation of the style attempting to institute primary societies, provincial assemblies, and departments in the country. On the 28th of November they came to a resolution of declared opposition and resistance to the authority of parliament, under a reserve that it should not be entered on the minutes till the close of their sittings.

After this, the spirit and activity of the magistrates were exerted to disperse this convention, and on the 5th of December 1793, the ringleaders were apprehended, their papers seized, and some of them have since been tried and convicted of the crimes laid to their charge.

Notwithstanding the just and laudable exertions of the civil authority to suppress this enormous disorder the mischief intended has been in part effectuated, for there has existed a meeting formed on the model of the French Convention, assuming the name of the British convention, which, from the 19th of November to the 5th of December 1793, has been exhibited in this kingdom with an open publication of all its transactions in a newspaper conducted by one of its members, to serve as a pattern of the form and method in which a future convention might proceed to act.

It also appears from the sequel, that there still remained a committee of secrecy and emergency formed in that meeting, which had continued to conduct subsequent operations in Scotland.

The committee have thought it important to call the attention of the House to this transaction, because it appears, by the evidence produced to them, to have been concerted at least, if not directed, by the disaffected societies in England, and to have a most intimate, connexion with the sequel of the conspiracy carried on here.

From the time of the meeting and dispersion of the convention at Edinburgh, the societies in England began to act with increased vigour and activity. Their resolutions expressed a warm approbation of the proceedings of the convention at Edinburgh; strong declarations were made in behalf of those who had been brought to trial and convicted; subscriptions entered into for their encouragement and support; and some projects appear to have been entertained for their rescue.

The London Corresponding Society had continued to extend its correspondence, and also its influence with the other societies dispersed in the country, and had, in the month of February last, adopted a resolution to arrange the members into divisions of thirty, composed of those who lived nearest to each other, that they might easily be assembled together upon any emergency. They had also procured about that time a plan of a constitution to be formed, which was printed and circulated amongst the several divisions, by some of which it had been approved, and at the time when the secretary was apprehended, was about to be referred to the general meeting of delegates for its final sanction. By this plan, besides the section of thirty, classed so as to be ready to come forth at the same time, there were to be secondary sections of ten each, under the representation and direction of a tythingman. There was also a general committee of correspondence.

This committee, in fact, appears to have existed for a considerable time, to have consisted of a number not exceeding five, to have transacted and directed all the secret business of the society, and they were authorized to communicate to the larger meetings only such matters as they thought advisable.

It seems almost unnecessary for the committee to point out to the observation of the house that a society (whatever be the condition of the individuals who compose it) so organized, (the phrase they adopt in their printed plan), and so connected with other societies in various parts of the island, is capable of giving the immediate effect of an united operation to whatever measures may be proposed by their leaders, especially when the recent example of France affords so striking an instance of the destructive effect of such a combination. The committee must at the same time remark, that this constitution (as it is called), in the declaration of principles by which it is intro-

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duced, the tests required of the members and the general frame of the provisions, evidently show that the model on which it is formed is that which has led to the annihilation of all regular government in France, and to the despotism of a few demagogues through the power and influence of the clubs.

Under this state of things, and when all his arrangement had been previously formed, the project of procuring arms was brought forward. The precise date when it took place cannot be ascertained, for it appears to have been conducted in most places with peculiar secrecy and caution.

So early as the time of the meeting at Edinburgh, the facility of procuring arms, particularly pikes, the use and efficacy of them as it had been proved in France, had been discussed at some of the division meetings; but no specific measure to this effect had been taken till a much later period.

About the month of March, 1794, private meetings had been held twice a week, in various places of and adjoining to the metropolis, for the purpose of instructing men in the use of the firelock; the places of such meeting were changed to avoid detection; and were chosen by a committee. They exercised chiefly by night; and no persons were admitted but by a printed ticket, with the inscription, 'Liberty to those who dare to be free.' The number of firelocks actually provided, as far as it has been discovered, may seem inconsiderable for the execution of any design, although, for the purpose of teaching the exercise, it had a most dangerous extent; but in respect to the circumstances of the person who purchased, or subscribed for the purchase, the number is an object of some consideration; and it appears that the artillery house, and gunsmith shops, in various parts of the metropolis, were looked to as furnishing a ready resource upon occasion, and as the means of providing an abundant supply of arms to persons already instructed in the use of them.

The committee has stated the number, so far as already discovered, to be inconsiderable; but they must add, that after they supposed their inquiry to be closed, a recent discovery communicated to them has added largely to the number.

The use of pikes formed a still more considerable part of the intended armament. The effect of this weapon had often been discussed at meetings, and a correspondence had been entered into with persons at Sheffield for providing a supply of them. The price for the iron work was fixed so low as a shilling; and if the cost exceeded that amount (which it appears it must have done) the overplus was to be paid by a person at Sheffield, who was to be reimbursed by the society. In pursuance of this plan, letters, dated the 24th of April, were sent from Sheffield to the Corresponding Society, and, under their cover, to another society at Norwich, advertising them that the pikes were in a forward state of preparation, and fixing the terms on which they were to be delivered.

The committee think it proper to subjoin a hand-bill, printed in April for the London Corresponding Society, and distributed at a meeting:

"Countrymen, you are told by those who are in office that you are in danger of a French invasion; you are told by those who are out of office that you are in danger of a Hessian or Hanoverian invasion: in either case arms will be of use to you. Agree among yourselves. Get arms, and learn the use of them."

At Sheffield, the measure of arming with pikes, after the example of the French, was more openly pursued: it had been recommended in April last, in public harangues, by a person whose name often occurs in the course of this conspiracy, but who has not yet been apprehended, to great numbers of people, as well as by hand-bills distributed, exciting them to arm. The pikes were made under the orders of that person, who particularly directed the form and size of them. Several persons were employed in the manufacture, which was making a considerable progress, before the alarm given by the apprehension of the secretaries of the two societies in London. Besides the pikes, another sort of instrument was produced at Sheffield, the use of which was (as explained) to be thrown about in the night on the road, for laming the men and the horses who might be employed to quell any commotions.

In the progress of the examinations into this conspiracy, an accidental discovery was made in Scotland, which has more fully explained the extent of the danger, and the ample range of the whole design.

From the nature of the proceedings carried on in Scotland, in consequence of that discovery, it was impossible for the committee to examine particularly into the evidence of it; they have therefore transmitted to the house the information communicated to them on this head, in the form in which they have received it, and added it in an appendix to the report. All the observations they are authorized to make upon it is, that the evidence which they have examined, clearly proves, 1st. A decided purpose of forming another British Convention in such central place as should be afterwards communicated. 2d. Measures concerted, and in part actually taken, for assembling that convention. 3d. A preparation of arms to oppose and withstand any attempt to disperse such a meeting. 4th. A continued connexion and correspondence between those societies in England, by whose co-operation these measures were to be executed, and the leading members of the former British Convention, which actually held its meeting at Edinburgh in November, 1793.

Upon the subject of the preparation of arms, the committee have been forced to enter into more detail than was consistent with the ge-

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neral plan of their report in respect to the other parts of the case, which was, to state, the general result, and not the particular circumstances.

On the most deliberate consideration of all the evidence before them, it appears to the committee, that there are the most convincing proofs, not only of a plan formed in theory, to procure, by legal means, some partial change of the laws by which this kingdom has been happily governed, but of a formed conspiracy to assemble, under the name of a convention a number of persons assuming to be the representatives of the nation, for the express purpose of making their resolutions to be law and of subverting, by their authority, the whole frame of the government, and the constitution of this realm, its monarchy, its parliament, and its fundamental laws.

That, to effectuate the purpose of this conspiracy, measures had been actually taken for an arrangement and distribution of the persons seduced to engage in it, a concert and communication established between different bodies of men in different parts of the country, to assemble at some certain time and place, by some secret concert and direction, consultations, held of the acts to be done for the furtherance of this conspiracy of the most traitorous import, and arms prepared and preparing for supporting, by force, the sudden execution of these daring and desperate designs, the success of which, if they could have succeeded, must have produced the total subversion of the constitution, with the destruction of his majesty's person, family, and government, and the annihilation of our laws and liberties, and the mere attempt of which, though we may justly conclude, that by the loyalty of the kingdom it must have been defeated, would have involved this country in all the horrors of insurrection, from the calamities of which we have now, by the divine providence, been happily exempted.

The committee must farther observe, that there is also as strong a degree of evidence as the nature of the case will admit, that the aim of the leaders in this conspiracy extended to as complete a revolution in this country as that which has taken place in France since the month of August, 1792.

Their adoption of the principles and opinions of the French Convention: their incessant exertions to propagate the same doctrines here; their attachment to the interests of the French Revolutionary Government; their persuasion that there was an intimate connection between the cause they meant to serve, and the success of the French, and even their hope of deriving assistance from the French arms, appear not by loose talk, but by the deliberate and advised discourses held at their meetings, by the written correspondence of some of the most active members, and by the communications between the different societies: emissaries also have been sent by them among his majesty's troops, and papers circulated in the vain hope of seducing them from their loyalty; and projects of the most desperate and flagitious nature, respecting the members of both houses of parliament, and even the safety of his majesty's most sacred person and of his royal family, have not merely been uttered, but entertained and discussed amongst them.

The ostensible object of the several meetings whose members were to be the followers in this conspiracy, namely, parliamentary reform, is a pretext that could impose on none but the most credulous, ignorant, and unwary: the only reform they ever professed was the establishment of universal suffrage, and annual representation; these they had assumed and declared to be theirs by inherent and unalienable right; a right not to be relinquished but with their lives, and which none but thieves and traitors could wish to withhold from them.

The assembling a convention was evidently not for consulting upon the fitness of the measure, but to be itself the means of obtaining it; and they had previously disclaimed, in the most express terms, the only legal means of obtaining any change of the existing laws by an application to the legislature, declaring that they must depend only on their own strength and courage for obtaining of what they termed their rights.

The necessary result is, that the application of strength and courage must have been the object for which such an assembly was to be called, it not being the purpose of those who formed it to obtain laws from any other authority but their own; having, not only in their private meetings, but public declarations, openly professed that they were to seek redress from their own laws, and not from the laws of those they termed their plunderers, enemies, and oppressors.

The accomplishment of such a purpose necessarily implies the overthrow of all subordination in the state, the abolition of the established form of parliament, together with the destruction of hereditary monarchy, and the subversion of every safeguard which the wisdom of ages has established in this happy country for the peace and welfare of society, for the encouragement of industry, morality, and religion, for the protection of innocence, and the punishment of vice, and for the secure enjoyment of property, of liberty, and of life itself. Under the circumstances of these designs, deliberately entertained, openly avowed, and on the very point of being attempted to be executed, your committee feel that they have executed their duty in laying before your lordships the important result of their inquiries; and that it becomes them to leave it to the wisdom of your lordships to consider what steps it may be proper for this House to take in order to manifest its abhorrence of this wicked conspiracy; its desire that every proper measure may be exerted, in order to give energy and vigour to the execu-

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tion of the laws by which the subjects of this realm are protected against these criminal purposes; and its readiness to afford to his majesty every degree of assistance and support which is due from us as loyal and affectionate subjects, and as men deeply impressed with a sense of the value of the blessings which we enjoy.

APPENDIX:—No. 1.—Letter from the right honourable Mr. Secretary Dundas, to the Lord Privy Seal, dated Whitehall, May 19th, 1794, inclosing four draughts of pikes, or spear heads.

Whitehall, May 19, 1794.

My Lord;—I have received this morning from the sheriff depute of the county of Edinburgh, authentic information of an accidental discovery, made on the 15th and 16th ult.; the general report of which I feel it proper to state to you, as it seems materially connected with the inquiry in which the Secret Committee of the House of Lords is now engaged.

The creditors of a bankrupt having received information that part of his goods had been embezzled, and were secreted in the house of an individual, the usual warrant was issued, authorizing a search to be made in the suspected place; and, in carrying it into execution on the afternoon of the 15th, the officers discovered in a private place, where they appeared to have been concealed, twelve pike or spear heads of the construction and dimensions in the inclosed draught. The proprietor of the house, who happened to be from home at the time, was soon thereafter taken into custody; and, on being carried before the proper magistrate for examination, refused to give any account of these weapons, to whom they belonged, or for what purposes they were intended. On a more narrow search, there was likewise discovered in a private and concealed part of the house, two other pike or spear heads, similar to the others; two battle axes, of the form and dimensions delineated in the inclosed papers, and a shaft or pole with a screw on the end, fitted for receiving either the spear head, or battle axe.

Immediate inquiry being made after the persons with whom this individual had lately been seen in company, and two blacksmiths being mentioned among them, their houses and shops were immediately searched; one of the two was also taken into custody, the other escaped and absconded. In the shop of the first of these men were found four pike or spear heads finished, fitted with screws and sockets, and ready to be fixed on shafts; eight battle axes, also fitted and finished; and twenty blades more not quite finished, but nearly so.

In the shop and dwelling-house of the other who had absconded, no such weapons were found; but the apprentices, on being examined before a magistrate, acknowledged that the pike or spear heads first discovered had been privately manufactured in their master's shop during the course of this fortnight past, and carried privately to his house as soon as completed.

The battle axes and blades appear also to have been manufactured within this fortnight past, and were intended, as the maker of them said, for the purpose of arming the people, should an invasion take place, but it appears that to his apprentices, whom he had employed in assisting him to make them, he pretended they were meant for a gate; an account obviously false, as he could not point out any gate for which these weapons were intended; nor name any person who had ordered him to frame a gate of so particular a construction.

These circumstances have induced the magistrates to commit all the persons concerned for examination; and the result of the inquiries which are at present carrying forward, I expect will be regularly communicated to me. It is proper also to inform your lordship, that all the persons chiefly concerned appear to have been members of the British Convention which met at Edinburgh last winter, and since the dispersion of it, have continued the most active and leading persons in the societies whose delegates composed the principal part of that meeting; who appear at present taking measures for calling another convention of the same nature, which they expected is to take place soon in England; and some of whom have acknowledged, that the propriety of the individuals composing these societies arming themselves with spears and pikes, has, within these few weeks past, been the subject of conversation amongst them, and steps taken for carrying that purpose into execution with caution and secrecy.

The silence of one of the persons, the inconsistent and contradictory account of the other, and the flight of the third, throw a very strong suspicion on the purposes and intentions of the parties concerned in this transaction. The sheriff is, in the course of his duty, proceeding to investigate the matter more accurately: but I consider it necessary and proper to communicate, through your lordship, to the committee, information so intimately connected with the object of inquiries, however imperfect that information still is; but which I have no doubt will soon be completed. I am, my lord, &c.

The most noble
marquis of Stafford. HENRY DUNDAS.

Draught, No. 1, Referred to in Mr. Secretary Dundas's letter, dated Whitehall, 19th May, 1794, contains the dimensions of the head of a pike or spear; fourteen finished ones found in the house of Robert Watt, merchant; two finished ones were also found in the house of Robert Orrock, smith, who acknowledged he made them; eighteen unfinished ones were also found in the house or shop of Orrock.

Draught, No. 2, Contains the exact dimensions of one weapon found in the possession of Robert Watt.

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Draught, No. 3, Contains the exact dimensions of another weapon found in the possession of Robert Watt; also of an iron verral for putting on the end of a staff or pole.

Draught, No. 4, Contains the exact dimensions of a weapon found in the workshop of Robert Orrock, smith, at Dean, near Edinburgh; nine others of the same kind were also found in the same place.

No. II.—Letter from the right hon. Mr. Secretary Dundas, to the lord Privy Seal, dated Whitehall, May 23rd, 1794, inclosing copy of a printed paper, dated Dundee, 12th April 1794.

Whitehall 23rd May, 1794.

My lord;—I have received this morning farther accounts from the sheriff depute of Edinburgh of the transaction stated in my last letter, and the result of the inquiries since made by that magistrate, and which are still going forward, appear to me of such a nature as to deserve the particular attention of the secret committee.

One of the individuals mentioned in my former letter has since made a disclosure: and a person since taken into custody, and who appears to have been privy to the whole transaction, has confessed that these weapons were the first of a very large number and quantity actually ordered to be made, and intended to be privately dispersed among the members of the various societies throughout Scotland, styling themselves friends of the people, and who appear to be at present employed in taking measures for calling together another British Convention of delegates to be held in England. An order has been given from one town alone in Scotland for a large quantity of weapons of the nature described; no less a number than four thousand has been mentioned, and more are intended to be distributed in Edinburgh. Emissaries appear also to have been dispatched within this fortnight or three weeks past to the manufacturing towns in the West of Scotland, for the purpose of sounding the inclinations of such of the inhabitants there who are known to be members of these societies, and there is reason to believe, from information received from various different quarters, that these persons have by no means been unsuccessful.

Paisley is in particular alluded to as being in a state of great readiness: and there has been positive information received through other channels, that within these three weeks persons of that description have assembled themselves to a very considerable number in the night-time for the purpose of practising the use of arms. The particulars of this information and the extent to which these meetings have proceeded, are at present matter of inquiry with the proper magistrates of the place, but the result has not yet been received.

The formation of this plan is now traced home to certain persons, some of whom are in custody, who appear to be entrusted by these societies in Scotland with the most unlimited powers in directing their future proceedings, carrying on their correspondence, and who act as a committee of secrecy, consisting of a certain number of persons, the principle and most active members of the British Convention. The choosing of delegates to the expected convention in England, the place of whose meeting is not yet divulged, and the raising of contributions among the various societies throughout Scotland for defraying the charges of such delegates, appear to be the material part of their present employment, and in which it would seem they have made some progress; and it is the same committee who have for these some weeks past been consulting and taking measures for arming themselves and the members of the various clubs with pikes and battle-axes, and who have employed the persons above-mentioned in manufacturing them. The scheme appears to have been first proposed and agreed upon about a month ago; to have been since carried on with the utmost secrecy and caution; and the weapons, so far as has yet been discovered, manufactured by such persons, in such small quantities, in such circumstances, and under such pretences, as not to render the progress of the work probably liable to suspicion or detection; and it was brought to light by the very accidental and singular incident which I mentioned in my former letter.

I have the satisfaction of observing, that the magistrates and officers of the law in Scotland have been and still continue active in the searches and inquiries making at the different suspected places within their respective jurisdictions. In Perth and Dundee nothing has been discovered which can lead me to believe, that measures have been taken in either of these places for making arms, the manufacture of which seems to have been confined to Edinburgh, and intended to have been gradually dispersed from thence to such places as require them, no such weapons have been discovered at Paisley or in its neighbourhood, though the intention of arming and holding regular nightly meetings are perfectly ascertained.

Information has also been communicated, of the authenticity of which there is no room to doubt that a conspiracy has been formed, as soon as a proper number of these weapons were distributed among the friends of the people in Edinburgh, to seize in the night the persons of the principal magistrates and officers of the law, the banks, the public offices, guards, and prison, and after enticing the soldiery from the castle, by kindling a fire in the middle of the city, to intercept them on their return, by means of different armed parties to be properly stationed for that purpose.

It appears likewise from indisputable facts that the most secret and artful means have been and are still using with the fencible regiments in Scotland to excite them to dis-

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obedience and mutiny, The printed paper which I herewith transmit, has been industriously circulated for that purpose. I have the honour to be, my lord, &c.

HENRY DUNDAS.

Marquis of Stafford.

Inclosed in Mr. Dundas's letter to lord Privy Seal, dated May 23rd, 1794.

(Copy.)*

Friends and Brethren;—It is with the greatest pleasure that your countrymen are informed, that such is your attachment and love to them, and to your native country, that you manfully and firmly resolve not to leave it upon any terms contrary to those upon which you were first engaged. Your countrymen love you; and their hearts would be as much wounded to part with you, as yours would be to be separated from them. They well know that they are safe under the protection of their *fathers* their *sons*, their *brothers* in *arms*; and they neither wish nor desire any other defenders.—They hope and believe that *your* hearts are filled with the same sentiments.

The great mass of the *people*, from amongst whom you have inlisted, have been represented to you as your enemies; believe not the assertion; they have been taught to consider *you* as foes; but they do not fear finding friends among their brethren.

Their cause and yours is the same.—They are poor, but they have honest hearts; hearts which sympathise in *your* cause, they look for the same friendship and the same sympathy in *you*. They rejoice to hear that you are becoming daily more convinced of the great truth that the *law* ought to be the same to the *Highlander* and to the *Lowlander*;† to the rich and to the *poor*; and that no man can be *compelled* to take up arms, by *any authority whatsoever*, unless *his own inclinations prompt him so to do.*

This truth has been hitherto carefully concealed from you, but it is not less certain. The will of your *Laird* cannot *without* your *own consent*, separate you from your families and friends, although many of you may have experienced the exertions of such a power, however unjust, and however contrary to law.

We respect and admire the principle which induces you (though necessity has compelled you to take up arms) still to persist in remaining to defend your friends at home; and not to quit a country which holds pledges so dear.

When *you* are gone, where is their defence?—They may be either left *without protection* or may soon see their country over run, by *foreign troops*; such as in time past have already shed the blood of your ancestors without provocation and without remorse; and who would feel perhaps as little compunction in shedding *theirs.*

Prepared for every deed of horror, these foreign mercenaries may *violate the chastity* of your wives, your sisters, and your daughters, and, when desire is satiated, *cruelty* may resume its place in their hearts, as experience has too well and too fatally shown; and friends parents, children, brothers, may be involved in one common slaughter. The cruel massacre of Glencoe cannot yet be forgotten: Are there not amongst you whose forefathers perished there? Their hearts, throbbing with kindness and hospitality, were pierced with the daggers of their treacherous guests; and the feast prepared by the hand of unsuspecting friendship was closed with a scene of blood! Such is the return for kindness and hospitality! Such the protection which your families have to expect!!!

How will they then look around in vain for *your* protecting care, when perhaps you are fighting at a distance in a foreign land? But they hope you will not forsake them. Stay, oh stay, and defend your families and friends! *for that purpose alone you were inlisted* They are ready to come forward for *you* in the vindication of *your rights.*

Thousands join in the same sentiments with you, and ardently wish for your continuance amongst them. The circumstances which might require you to quit your country *have not yet taken place.* No invasion has yet happened. You cannot be *compelled* to go. Leave not your country—Assert your independence. Your countrymen will look up to you as their *Protectors* and *Guardians*, and will in *their* turn lift up their arms to protect and assist *you.*

Dundee, April 12th, 1794.

No. 3.—Letter from the right hon. Mr. Secretary Dundas to the Lord Privy Seal, dated Whitehall, 24th May, 1794.

Whitehall, 24th May, 1794.

My Lord;—I have received no further accounts of the result of the inquiries going on in Edinburgh; but I am sorry to state that I have received information from the sheriff of the county of Renfrew, confirmed by letters received from other respectable persons in Paisley, that the magistrates of that place having, in the course of their inquiries' committed on the afternoon on the 19th a man to custody for further examination, a considerable number of persons (several hundreds, assembled in the evening, and after choosing a president, whom they addressed by the title of citizen president voted a number of resolutions to the following purpose:

That a national convention should be immediately called, to which they would send delegates.

That they should not petition parliament, as it was to themselves alone, and to such convention, they could look for redress.

They then proceeded to consider the con-

* The words in *Italics* are in large letters in the printed copy,

† Sic. in orig.

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duct of the sheriff and magistrates in committing their brother citizen, as he was termed: and after much discussion as to the propriety of immediately releasing him by force, the majority seemed inclined to take mild measures first, and to send a deputation to ask his release; but the magistrates having received information of what was intended, and dismissed the man from custody, the mob dispersed with three cheers, having been previously instructed by their president to abstain from further tumult, and to observe a peaceable and orderly conduct.

The authority of the civil magistrate is in the mean time entirely superseded, and until a proper force is sent to protect them in the future execution of their duty, which has been anxiously required by the sheriff and magistrates, they dare not proceed in the common course of legal and judicial inquiry against any of the persons who are suspected of being concerned in these violent and tumultuary proceedings. But it cannot escape the observation of the committee, how accurately this intelligence corresponds with, and confirms the information yesterday communicated, as to the state of the minds of these people in that neighbourhood, the alarm which their leaders feel as to the result of the legal inquiries at present depending, and the regular systematic connexion between them and the leaders at Edinburgh, as discovered from the yet unfinished and hasty examinations taken in that city. I have the honour to be, my lord, &c. HENRY DUNDAS.

The most noble
The marquis of Stafford.

No. 4.—Letter from the right hon. Mr. Secretary Dundas to the Lord Privy Seal, dated Whitehall, 27th May, 1794.

Whitehall, 27th May, 1794,

My lord,—I have this morning received farther information from Scotland, which appears to me proper to be communicated to the committee.

The persons in whose custody the weapons formerly described were found, appear to have acted for some time past under the name of a committee of ways and means appointed by the British Convention; and to have been empowered by the various societies throughout Scotland to direct all their future proceedings, by means of emissaries privately dispatched to different parts of the country. The committee has signified to, and prepared a number of the societies for the approaching convention in England; many of whom have chosen, and all, as far as is yet known, agreed to choose delegates to attend it, and subscribe for their expenses. The time and place of meeting was not divulged; and were to be communicated from Edinburgh, in proper time, by individuals to be sent from thence for that purpose, whose arrival was daily looked for by several of the different societies. One of the members of the late convention at Edinburgh appears, within this fortnight past, to have been dispatched, and to have actually performed an extensive tour through the west part of Scotland; to have visited, in his progress, the towns of Queensferry, Falkirk, Stirling, St. Ninian's, Kilsyth, Kirkintuloch, Campsie, Glasgow, and Paisley; in all of which places he appears to have met with the principal persons concerned in these societies; to have left with them and the members of the societies copies of a circular letter from the committee of Edinburgh, and instructed them in what manner they were in future to carry on their correspondence: and to have suggested to them the propriety of furnishing themselves with arms for the purposes of defence under the pretence of defending themselves against foreign troops.

An attempt has been made to distribute some of the weapons lately discovered at Edinburgh, by means of persons privately dispatched to the country for that purpose, and which seems only to have failed in its execution from the timidity of the persons solicited to do so.

An individual of the same description has been taken into custody in the country, who appears to have commissioned, and actually received from England some muskets and bayonets: on being questioned by the proper magistrate, he has refused giving any explanation farther than that he commissioned them in the way of his business. But it does not appear that he ever dealt in such articles before; no person appears to have commissioned him to procure any such, and there seems to be full evidence of his having solicited others to purchase what they of themselves were not thinking of, or wishing to provide.

He admits having corresponded with the London Corresponding Society on the subject of a convention, and that the society, of which he is a leader, had agreed to send delegates to it as soon as the time and place of meeting should be divulged.

A requisition has been made by the magistrates and principal inhabitants of Paisley for a military force to protect them in the execution of their duty, and in their persons and properties, which has been duly attended to. It is with much satisfaction I inform your lordship, that the gentlemen of estate and character in the county of Renfrew have voluntarily stepped forward, and determined to support the authority of the civil magistrate. I have the honour to be, my lord, &c.

HENRY DUNDAS.

No. 5.—Letter from the right hon. Mr. Secretary Dundas to the Lord Privy Seal, dated Whitehall, 2d June, 1794.

Whitehall, 2d June, 1794.

My Lord,—The information I have received this morning from Edinburgh enables me to state to the committee, that the transactions communicated in my former letters are farther

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cleared up by the inquiries which have since taken place in that city.

Some of the persons who absconded on the first discovery of the arms concealed in certain houses have been discovered and apprehended; and the result of these farther inquiries confirms, in almost every particular, the account received from other quarters, and the import of which I have already laid before the committee. The establishment of a secret committee at Edinburgh, invested with full powers to direct the future operations of the societies throughout Scotland; the regular correspondence privately carried on by means of emissaries dispatched to the different towns; the ascertaining the exact number of persons in these societies who were directed to provide themselves with arms, and to hold themselves in readiness for any measure which the secret committee might in due time communicate, are confirmed by every account and information which the magistrates have received: and an individual, who has been lately taken into custody, has confirmed the account received from a different quarter of the dangerous design, planned by the Edinburgh committee, of effecting a general insurrection as soon as they were ready and prepared for carrying it into execution, by the seizure of the principal magistrates and officers of the law at midnight, and possessing themselves of the prisons and public offices, as stated to your lordship in my letter of the 23d of May, and then communicated through a different channel from that through which the present confirmation of these circumstances has been received. The plan seems not only to have been discussed and deliberated on by the ringleaders at Edinburgh, but to have proceeded a certain degree in its steps towards actual execution, which appear to have been conducted with the utmost caution; and there is reason to believe, that the execution of the plan was not to be confined to Edinburgh, but was meant to take place in some of the most considerable towns in Scotland on a certain day, and at one and the same time. The proper and usual steps have been taken for bringing the offenders to trial; and those against whom the information chiefly points, are detained in custody. I have the honour to be, my lord, &c.

HENRY DUNDAS.

The above Report was ordered to be printed.

Debate in the Lords on the Vote of Thanks to Lord Howe.] June 13. Lord *Grenville* rose, for the purpose of moving the Thanks of their lordships to lord Howe, for the glorious victory of the 1st of June. This was a subject upon which he was sure such perfect unanimity must prevail, that any attempt on his part to expatiate upon the circumstances attending the victory obtained by his majesty's fleet under the command of that able and gallant admiral, would be perfectly unnecessary. He could not, however, avoid saying, that when all the circumstances of the late engagement were considered, it would be found to be one of the most glorious to this country of any that were to be found in its naval history; for exclusive of that determined courage which had always characterized the English seamen, there was a degree of skill and science displayed by the noble lord that never was exceeded upon any former occasion. Thus much his feelings had prompted him to say; and he should conclude with moving, 1. "That the Thanks of the House be given to admiral earl Howe, for the important services rendered to his country, by his able and gallant conduct in the victory obtained by the fleet under his command, over the French fleet on the 1st of June, 1794. 2. That the Thanks of the House be given to rear-admirals Hood, Greaves, Cornwall, Pasley, Bowyer, and sir R. Curtis, and to all the captains and officers of the fleet, for their brave and gallant behaviour during that engagement: 3. That the House does highly approve of the conduct of the seamen, soldiers, and marines, on board the fleet: and that the officers of their respective ships do communicate the same to them."

The Duke of *Grafton* could not avoid saying a few words upon this subject. He had had the honour of living in habits of intimacy and friendship with the noble admiral for a period of above 35 years, and during the whole of that time, he had formed but one opinion of him, which was, that, exclusive of his valuable qualities as a man, he was most eminently distinguished as a statesman, a seaman, and a hero. He could not avoid just mentioning some of the many glorious exploits performed by the noble lord; exploits which must for ever ensure to him the gratitude of his country. The skill and bravery displayed by him in the war before the last, when he brought the Magnanime, which he then commanded, close to a fort on the isle of Rhé, and silenced it, was an act which at that time excited the admiration of the whole kingdom. When afterwards he acted, together with the late admiral Keppel, under the celebrated lord Hawke, in the engagement on the coast of France with M.

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de Conflans, he conducted himself in such a manner as to receive from lord Hawke, the most distinguished marks of approbation. Passing over a variety of other important services, he should come to a period when lord Howe had a command in America last war; and here he would venture to say, that if his conduct in that service was tried by the tests of truth and candour, the result would be highly to his honour. He came now to a circumstance which excited the astonishment and admiration of all Europe, and was alone sufficient to rank him among the first seamen this country ever produced; he meant, the relief of Gibraltar, in the face of the combined fleets of France and Spain, which were at that time more in number by one-third than his own. It was upon this occasion that the great Frederick of Prussia paid his tribute of approbation to lord Howe, in a letter which he sent him through the medium of his minister at this court. If any thing more was necessary to establish the character of this gallant admiral, it only remained to mention his last glorious victory, by which the naval superiority of England was clearly ascertained. He was sure there was not one noble lord in that House—nay more, that there was not one true Briton, who did not feel the utmost gratitude to the noble lord for his important services; and if it could be said of any man, it might be said of him, that we may "read his history in a nation's eyes."

The Duke of *Bedford* coincided in praises bestowed on the noble earl, because he did not think they were ever more deserved. That the victory was a great and glorious one, every man would chearfully bear his testimony; and to him it was doubly so, because he hoped it might lead to a peace. The French must be convinced by it, that they were not a match for British sailors on that element where they had so long maintained the superiority; and our ministers, he trusted, would shortly admit the folly of persevering in an expensive foreign campaign. Wherever England had acted in this her proper sphere, she had been uniformly successful.

The Earl of *Lauderdale* subscribed entirely to the vote of thanks, and expressed a hope that the proper use would be made of the victory we had gained, which was that of procuring peace. The idea of conquering France for the purpose of establishing a form of government was not now more rational than at any other period, and we ought to abandon it for ever.

Lord *Sydney* agreed in every thing that had been said to the honour of the character of lord Howe. He thought this victory tended very much to peace; but he must observe, that peace was to be made, not by abandoning the war, but by fighting our enemies by sea and land; not by making a false estimate of our own strength, or of the strength of the enemy, but by following the example of the gallant commander their lordships were now about to thank.

The Duke of *Clarence* said, that by the late glorious victory obtained by lord Howe, the superiority of the English was established, and he hoped would remain so for ever. When the fleets of England and France met upon equal terms, the superior skill and steadiness of the English had always been manifested. He considered this action as one of the greatest which the annals of this country could boast of.

The motions were agreed to *nem. dis.*

Debate in the Commons on the Vote of Thanks to Lord Howe.] June 16. Mr. Secretary *Dundas*, in rising to move a vote of thanks to lord Howe, and the other admirals, officers, and seamen of the British fleet, entered into a strong eulogium on the noble earl's conduct. He called the victory lately obtained over the French navy one of the most brilliant that the page of history recorded. It was a victory so brilliant and so signal, that the enemy had not the pretence to say that they were overpowered by a superior force. Never was an action fought with greater bravery; never was the skill of the noble earl so admirably exemplified. His manœuvres were of the most masterly kind, and his courage did honour to his profession. It frequently happened in naval engagements, that admirals had to blame the officers, and officers the admirals; but on the late occasion, admirals, officers, and men, seemed to be animated with one soul. The lowest seaman in the fleet looked upon himself on that day as the conqueror of the enemy. What demanded the greatest possible commendation, was the national humanity that had been evinced; for scarcely had the minds of the men subsided from that degree of heat and fierce-

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ness of necessity produced under such circumstances, when they used the utmost exertions to save the lives of the men on board the sinking ships of the enemy. Let any man contrast this conduct with the decree of another nation, the object of which was, that no quarter should be shown! He would not dwell longer upon the subject, because what he could say would not add to the merit of the noble earl. There was, however, one circumstance that he begged leave to state: he happened to be present at a conversation that took place about a year ago, between his majesty's ministers and the gallant earl, who surprised him on account of the eagerness that he displayed at his time of life, and the keenness and fire with which he appeared to be animated. His great wish was to meet that enemy, which he had so completely conquered. He mentioned this circumstance to prove, that if any suspicion had been entertained that the noble earl declined to meet the French fleet, it was totally void of foundation; for he would assert, that the conduct of the noble and gallant admiral was as conspicuous every day since he took the command of the fleet as it was in the engagement on the 1st of June. It was also particularly worthy of observation, that the naval state of this country at present, was never so great in any period of our history. During the whole course of the war, we had lost but three ships of an inferior force. On the other hand, we had captured not less than 118 of the enemy's ships, besides those that we had sunk and destroyed. He concluded with moving, "That the Thanks of this House be given to admiral earl Howe, for his able and gallant conduct in the most brilliant and decisive victory obtained over the French fleet, on the 1st day of this instant June, by the fleet under his command."

Mr. *Fox* rose to give his most hearty assent to the motion. He had no doubt of the spirit, activity, skill, talents, or patriotism of the noble earl. However in political questions he might have the misfortune to differ from him, there was not a man in that House, or in the country who had given higher satisfaction in all his professional life than the noble earl had; he therefore never heard a motion which had more decidedly his approbation than the present. He had uniformly believed, that if the noble earl should not engage the French fleet, it was only because he had no opportunity of doing so. The noble earl had been engaged in the service of his country at a time when faction was extremely high, and, under all the difficulties that naturally arose under such circumstances, he maintained his character for spirit, skill, and talents, so as to make it impossible, for any rational man to suppose that he would not attack an equal force of the enemy at any time. Having said this in mere justice to the character of the nobleman who was the deserved object of admiration, he must add, that he could have wished that the right hon. gentleman had not introduced extraneous matters, under the convoy of this victorious fleet, and that he had not blended points on which opinions were divided with those on which there was, as ought to be perfect unanimity. With regard to the brilliancy of the victory, he subscribed to every word that had been said in praise of it; nor were the observations that were made on the humanity displayed on the occasion at all misplaced. This added another to the numerous proofs we found in the history of battles, that true valour and humanity were nearly allied; and he hoped to God they would for ever remain inseparable companions. Of this victory he should say nothing more, than that he rejoiced in it as much as any man in England could rejoice in it; and that, considering it in a defensive point of view, it was extremely important to this country, as well as glorious. He could not, however, help saying, that if at an early period of the war, any man had said that this was a matter then so doubtful, that on its happening it would be considered as a matter of great triumph, and to be rejoiced at as an event not to be expected, such a person would have been considered as making use of a very desponding observation. He rejoiced in this victory, not on account of its being beyond his hopes in the beginning, but on account of the comfortable reflection arising out of it; for it had saved us from the possibility, of an invasion from the French; and if it was made proper use of by his majesty's ministers, for the wise and salutary purposes of procuring peace, it would then be indeed a blessing to this country. If, on the contrary, it was made use of for the impracticable object of destroying the government of France, though its brilliancy remained, its utility would cease. He never gave a vote in

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his life with more heartfelt satisfaction than the present.

The motion was agreed to *nem. con.* It was then resolved, *nem. con.* "1. That the Thanks of this House be given to admiral Graves, admiral sir Alexander Hood, rear-admiral Bowyer, rear-admiral Caldwell, rear-admiral Gardner, rear-admiral Pasley, and sir Roger Curtis, knight, and to the several captains and officers of the fleet under the command of admiral earl Howe, for their bravery and gallant conduct on the said most glorious occasion; and that admiral earl Howe do signify the same to them. 2. That this House doth highly approve of, and acknowledge, the services of the seamen, marines, and soldiers, on board the ships under the command of admiral earl Howe, in the late glorious victory over the French fleet; and that the captains of the several ships do signify the same to their respective crews, and do thank them for their gallant behaviour. 3. That an humble address be presented to his majesty, humbly desiring that his majesty will be pleased to give directions, that a monument be erected in the collegiate church of Saint Peter's, Westminster, to the memory of captain James Montagu, of his majesty's ship Montagu, who fell gloriously in the naval engagement of the 1st of June, when a decisive victory was obtained by admiral earl Howe over the French fleet; and to assure his majesty, that this House will make good the expense attending the same."

Debate in the Lords on the Report of the Secret Committee respecting Seditious Practices.] June 13. The order of the day being read, for taking into consideration the Report of the Secret Committee respecting Seditious Practices,

Lord *Grenville* said, it would not be necessary for him to occupy much of their lordships time in submitting his reasons for proposing, at this juncture, to carry an Address to the foot of the throne, to assure his majesty of their steady and loyal support, because the Report itself contained the strongest arguments that could possibly be offered upon the subject. It could surely be no longer contended, that there did not exist in this country a conspiracy, the object of which was, under the specious name of a reform, to subvert its government, laws and religion. Fortunately, the conspiracy was discovered in time, the plans of the conspirators developed, and their intentions frustrated. This conspiracy was the more dangerous, because it was not the effusion of temporary discontent; it was not the unpremeditated fury of a thoughtless mob; but it was a cool, deliberate, systematic plan to destroy the constitution of England, and to substitute in its place the tyranny of France. From a perusal of the Report, it would appear that this plan had been carrying on by persons in this country, in conjunction with others abroad, for more than two years; and they thought they had brought it to a state nearly ready to be carried into execution, when the whole was happily discovered. Their lordships would find, that soon after the destruction of the monarchy in France, a system of correspondence was established between certain clubs in this country and the new government in that. In November 1792, formal addresses were sent from certain societies here to the convention of France, and received regular answers. These societies, covering their real designs under the pretext of a reform in parliament, took upon themselves to declare to the French government, that the people of England were anxious to shake off the yoke which oppressed them, and to adopt the new system of liberty; they told them, that, however they might be kept from declaring their sentiments, the majority of the English were against the government. Their lordships would perceive, that the committee had particularly described that society, which, by way of eminence, was called the London Corresponding Society. This society seemed to have been formed of, or at least to have been conducted by, persons in a higher sphere of life, and more cultivated talents, than most of the other societies. It was through the medium of this society that a correspondence was kept up between the other societies in different parts of the kingdom, and those infamous and destructive principles circulated, which tend to the destruction of all regular government. Although the war interrupted the direct correspondence which before existed between the societies here and those in France, it did not prevent the former from feeling a very strong interest in the cause of the French, nor from endeavouring to justify every one of their measures, however hostile to this country. Having disseminated

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their pernicious principles to a considerable degree, and drawn many unthinking persons to join them, it became necessary to bring their principles into action, and to reap the fruits of their labours. For this purpose, they mentioned the propriety, and even necessity, of adopting the example of France, and of calling a general convention, for the redress of grievances, and the reformation of abuses. In pursuance of this plan, that meeting, which took the title of the British Convention, met at Edinburgh in October 1793. It would be unnecessary for him to trace the whole of the proceedings of this pretended convention. They were not satisfied with adopting the destructive principles which had plunged France into desolation and ruin, but they followed, as far as they could, the manner, and used the language of the French Convention. But all the eloquence and talents of the members of this convention could never have enabled them to carry into effect their infamous designs: something more was wanting, and that was arms. Their lordships would see traced out in the Report, the means adopted for the procuring of arms, and the nature of those arms. Considerable quantities of them were prepared, and would probably soon have been brought into use, if it had not been for the providential discovery made of their designs, and the measures taken to prevent them. Under all these circumstances, he hoped to find but one opinion among their lordships. He was sure every one of them would stand forward in the defence of the constitution and he was convinced, that, having perused the Report, there could be no doubt entertained of the existence of the conspiracy. He therefore hoped, that the address which he meant to propose, would meet with the approbation of the House. Should that be the case, he should propose, that it be sent to the Commons for their approbation, in order that it should be presented to his majesty as the joint address of the two Houses of parliament. He then moved the following Address:

"Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, having taken into our most serious consideration the communications, which your majesty has been pleased to make to us, respecting designs against the public peace and safety carried on within this realm, think it our bounden duty, at this period, humbly to lay before your majesty those sentiments to which we are led by the result of that examination.

"We have seen, with the utmost concern and indignation, that there has existed within this realm a seditious and traitorous conspiracy, directed to the subversion of the authority of your majesty and your parliament, and to the utter destruction of the established constitution and government of these your majesty's kingdoms; and that, for the execution of those wicked and detestable designs, means of open violence were preparing, and acts meditated, leading to all the horrors of insurrection, anarchy, and rebellion.

"That with the fullest conviction of these designs, thus deliberately entertained, openly avowed, and on the very point of being attempted to be executed we feel ourselves bound to express to your majesty our gratitude for the paternal care which your majesty has shown for the dearest interests of your people, in having taken such measures as might best tend to defeat all such purposes, and to bring the authors and abettors of them to public justice.

"We have, on our part, proceeded without delay, after the example of our ancestors, and under the just impression of the exigency of such a situation, to vest in your majesty, by law, such additional powers as seem best calculated to provide for the public peace and tranquillity: and we rely with confidence on your majesty's employing all legal and constitutional means for the punishment of such crimes; for the suppression of the first appearance of any tumult or disorder connected with them; and, generally, for the giving, as the circumstances manifestly require, full energy and vigour to the execution of the laws by which all your majesty's subjects are equally protected, and from which alone they can derive the secure enjoyment of property, of liberty, and of life itself.

"And we beg leave to assure your majesty, that as we are determined to defend with resolution and vigour, against our foreign enemies, the rights of your majesty's crown, the safety and welfare of our country, and the existence of good order and civil society, so we will, on every occasion, afford to your majesty the fullest support and assistance in main-

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taining inviolate the free constitution of these realms, in preserving internal peace and tranquillity, and in resisting the desperate purposes of those, who would introduce among us the miseries which now prevail in France; such being the conduct which we feel to be due from us, as faithful and affectionate subjects, and as men deeply impressed with the value of the blessings which we enjoy."

The Earl of *Abingdon* said:—Your lordships' Report from the Secret Committee having referred to projects of the most desperate and flagitious nature, respecting the members of both houses of parliament, I have, as a specimen of this, in my hand, a letter addressed to me from the town of Glasgow, inclosing a speech of a noble lord, which was printed, and in many thousands circulated there. The speech is intitled, "A copy of that most extraordinary speech, delivered in the House of Lords by earl Stanhope, on the 23d of January, 1794, for the restoration of peace, and acknowledging the French Republic." And the letter is as follows: "This most excellent speech has been reprinted at Glasgow; many thousands of it are now in circulation. Your 'horse laugh' is marked, and will be properly attended to." Your lordships may remember, that when this speech was made I said that the best argument in answer to it was, "a good loud horse-laugh." * It is for this answer then, that I am, thank God! a marked man; for who of your lordships, calling himself an Englishman, would not be proud of such a mark? But I mention this now, not in address to those of your lordships who have any respect for your own honour and dignity, but in admonition to those Sans-Culottes lords of this House, who, in carrying on their intrigues, and forming their parties within these walls, are as forgetful of themselves as they are dead to the mischief which they are so responsibly the occasion of without these walls. And this, my lords, I say in concern, as well as in admonition."

The Earl of *Lauderdale* said, that having paid as much attention as possible to the report, and to the speech of the noble secretary of state, he expected something like proofs of the existence of a conspiracy, to warrant the propriety of carrying up to the throne, the address which had just been proposed. From all, however, that he had heard or seen, there was no evidence of such a conspiracy. By agreeing to the address, they were pledging themselves unjustifiably to support facts, upon which no sort of evidence had been laid before them and prejudging the cases of their fellow subjects who were to be brought to trial, for supposed offences connected with this conspiracy. The noble earl then recurred to the proceedings of the meetings held in 1780, for the purposes of electing delegates, and appointing meetings to take into consideration certain grievances. He read the minutes and resolutions entered into at that time, and called the attention of the House to the names of those who attended these meetings; it would be found that they were not men of a low description, but some of the first characters in the kingdom in point of rank, influence and property, , viz. the duke of Portland, marquis of Rockingham, earl of Derby, right hon. Thomas Townshend, and many others equally respectable. He contended that the proceedings at that time were far more violent than those of any of the societies of the present day, and that the avowed purpose of them was, to overawe parliament in a much more determined way; and yet the legislature had not thought fit to take any notice of them at all. The noble earl concluded by giving his dissent to the address.

Lord *Sydney* said, that when he was engaged in the association alluded to, he had the good fortune to concur with some of the most respectable names, such as the present duke of Portland, and the late marquis of Rockingham; names, which it was impossible to mention without the highest veneration and respect. But, admitting even that he had been present, and approved of all that had been done in that society, yet how would that involve him or them in any imputation similar to that thrown upon the present societies? Was violence or arms ever thought of there? Or was there any among them at that period who entertained designs of overturning the constitution? They knew too well how much easier it was to throw down than to build up; nor were they so wild as to think of substituting vain fancies and untried speculation, for the solid advantages of experience and wisdom. With respect to the present situation of affairs, he was so convinced of the danger which had been impending over our heads,

* See Vol. 30, p. 1297.

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that he cordially assented to the address now moved.

The Earl of *Mansfield* declared, that he felt more than ordinary anxiety upon the present occasion, as he was about to deliver not merely his own sentiments but those of a noble duke (Portland), who, although labouring under the pressure of the severest misfortune that could wring the heart of man, yet so far remembered his public duties, amidst his private woes, as to commission him thus publicly to declare his most perfect approbation of, and acquiescence in the report made by their committee, and of the measure now founded upon that report.

The *Lord Chancellor* drew the distinction between the Thatched-House Society and those of the present day. Had the latter, like the former, contented themselves with mere words, and not proceeded to overt acts of treason, the executive government would have passed them by in silence.

The Address was agreed to, and ordered to be sent down to the Commons for their concurrence.

Debate in the Commons on the Report of the Secret Committee respecting Seditious Practices.] June, 16. The orders of the day being read, for taking into consideration the Report, which, upon the 6th of June, was made from the Committee of Secrecy, and also the Address to his Majesty, this day brought from the Lords,

Mr. *Pitt* rose and said:—However important the motion which I am about to make, I shall not, on the present occasion, feel it necessary to trouble the House at much length. The materials connected with the question are now so public, as in a great measure to supersede the necessity of discussion; and I consider very little as wanting on my part to secure the almost unanimous concurrence of the members of this House to the address now proposed for their acceptance. Whether, indeed, they will give this unanimous concurrence, must depend on the question, whether they think the proposition stated in the address itself made out by the evidence brought forward in the reports of your committee. If they think that proposition true, whatever difference may subsist on other subjects, they can surely have no hesitation to unite in carrying to the foot of the throne the expressions of their abhorrence of a detestable conspiracy formed against our happy constitution. The conclusions from which the proposition is drawn, depend upon a variety of matter, and embrace details of a considerable extent. These partly depend upon verbal examinations, the result of which you take upon the credit of your committee, but much the greater part upon authentic documents, and the written declarations of the parties implicated in the transactions. From these it will appear, that whatever shades or nicer distinctions may be found in the principles avowed, and the expressions adopted by the different societies, there existed a systematic design, deliberately formed and long acted upon, directed to the subversion of the British constitution, conducted by specific means, and these the best calculated for that end. Not merely was the measure of a convention proposed; steps were taken to carry it into execution. The nature of this convention was not equivocal; the object it had in view was clearly proved by a studied recommendation of principles, stating the necessity of having recourse to such conventions, and the rights attached to them, as the representative of the national sentiments, and the sole organs of the sovereign will of the people. These principles were enforced by holding out as an object of applause and imitation, the practical model of another country, and the examples of that revolution which had there taken place under a convention, and by a deliberate recommendation of a long and elaborate essay on conventions, I mean the speeches of Barrère, in which are inculcated the right of the people to be in a sovereign state of insurrection, the sacred duty of subverting established governments, the propriety of investing conventions with a species of despotic power; in short, principles, which if carried into effect, would go equally to destroy the existence of our legislature, and the inviolability of our monarchy. Sometimes, indeed, in the proceedings of these societies a parliamentary reform is talked of, and we even find them recommending to petition for the purpose; but we also find the idea of a convention to have been previously in agitation, and that in these instances it was departed from, not in consequence of any preference given to the mode of petition, but because they considered petitions as a necessary engine, in order to promote the success of their operations. When their

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petitions failed, what was the conduct which they then adopted? They endeavoured to persuade the people that the time was come when petitions were no longer of avail, and a convention was the only resource to which they could apply for the redress of their grievances; that no relief could now be expected from parliament, and that they had only to trust to their own exertions. When a convention was first proposed, it was indeed stated to be only with a view to the object of parliamentary reform. But in proportion as they increased in their numbers, they became enlarged in their views. As an illustration of this, it was only necessary to look to the history of the convention at Edinburgh. Its members copied into their own proceedings all the leading features of the French convention; they even adopted its language; they had continually in their mouths, that favourite phrase organization; they talked of their divisions, their sections, their committees of finance, the honours of the sitting, &c. In every thing they showed their determination to adopt the French model, not as a temporary, but as a permanent rule of practice. They aimed at bringing about something to represent every description of the community, and every corner of the land. And why were they so eager to bring about such a convention? Because this, as they themselves stated, was the precise mode by which France had effected her revolution. Nay they went so far as to appoint a committee of emergency, who, in case the legislature should attempt to pass certain acts, were to meet for the purpose of resisting them. After this Edinburgh convention had been dispersed by the vigilance of the magistrates there, this very resolution, breathing defiance to the legislature was adopted by a society in town, who appointed a committee of observation to meet from day to day during the session, and watch over the proceedings of parliament. I had formerly occasion to refer to various resolutions of these societies. Whatever variations, there may be in the phrases which they severally adopted, there can be no ground of hesitation, either as to the objects which they had in view, or the means by which those objects were to be accomplished. The discussion about phrases can only be material in as far as it tends to point out the parties, and to mark their characters; to ascertain whether the one party are possessed of more art to disguise their purposes, or whether they really shrunk back with horror from what the others did not scruple to avow. The design of holding a convention was not only avowed but acted upon. It is proved that circular letters for this object were written by the Corresponding Society, and were actually sent and received by different societies in the country. And what is still more worthy of attention, exactly the same system was at the same time pursued in Scotland. In both cases, too, the same means were adopted, the recommendation of a secret committee, who were to concert the place of meeting and other particulars. It can be of little consequence to the members of this House whether the object of such a convention would be to arrogate their functions, or to prescribe the mode of their election. In either case it would equally be a supercession of the powers of parliament, and indicate a contempt and defiance of their authority. The sort of language adopted by those societies will be perfectly understood by those who have read the publication of Barrère, to which I formerly referred. In that publication he talks of creating and moulding the public will, and of following it only so far as to give it the direction that is wished with more certainty. In short, little doubt can be entertained, that if the proposed convention had been called and allowed to carry their objects into effect, they would not have stopt short of assuming to themselves every power, legislative and executive. The design of holding a convention, and the objects which such a measure had in view, are now proved beyond all possibility of dispute; such a design, I affirm, could never have been thought of, without the idea of having recourse to violence. Aiming at the entire subversion of the constitution, how could they expect to arrive at their end, except every branch of it was quietly disposed to surrender its rights and privileges? Indeed, the express proof of their intention of having recourse to arms is not less distinct, than that of their holding a convention. I am more particularly inclined to insist upon this point, when I recollect the expressions that dropped from gentlemen of a respectable character, and who have a deep stake in the country, that if the smallest traces should appear of an intention of any party to have recourse to arms, their objections to the suspension of the Habeas Corpus act would vanish. We are now

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called to witness such an intention not merely in its infancy, but extended in its effects, and apparently carried on in concert in different parts of the country. Such being the case, no hesitation, I think can be entertained by any member with respect to the conduct which he ought to pursue. If there yet remains any such hesitation, it can only proceed from a doubt of those documents which have been laid before the House. I augur, however, well from the solicitude which gentlemen have shown in the first instance to distinguish themselves from those who, under the pretence of a parliamentary reform, would introduce a tyranny worse than that of Caligula, and shall conclude with moving, "That this House doth agree with the lords in the said Address to be presented to his majesty."

Mr. *Lambton* said, that when the first Report from the Secret Committee was presented, he opposed the suspension of the Habeas Corpus act grounded thereon because he conceived the report did not justify so strong and violent a measure. In like manner he felt himself under the necessity of opposing the address now proposed, because he could not conceive that the second report justified the proceedings attempted to be founded upon it. He was ready to admit, that in the second report, there was something like an appearance of sedition, nay, there were some acts stated, which, if true, approached very nearly to what might be termed treasonable. But he could not approve of the mode in which these several statements were printed; he could not think the mode of printing certain words and passages in capitals and italics altogether fair, as endeavouring to influence the passions, by pointing out partial views, in which to examine the subject. Upon a similar mode of proceeding it was that Algernon Sydney replied to the infamous judge before whom he was tried, "that if quotations were suffered to be so mangled and disguised to answer party purposes, he would prove from the bible itself, that there was no God." This method of partial printing might tend to influence the minds of those courts of justice before whom the present objects of prosecution were about to appear. In the very beginning of the report, the circumstances attending the supposed conspiracy, were stated to be extravagant. If by this term it was meant to state them to be absurd and impossible, how could the minister justify the suspension of the Habeas Corpus upon the supposition of danger? If, on the other hand, by the term, it was meant to call them wild and extravagant, whence arose the pains taken to prove them regular and systematical? While the committee professed to be in possession of the origin of these conspiracies, how was it that they proceeded to state facts which were of a recent date, or were they thus forced in, out of their natural order of time and place? The fact was, it was supposed that few or none would have patience to wade through the the whole of the report; it was therefore thought adviseable to drag a few strong facts forwards, out of their natural order of time and place, that they might satisfy such as were too indolent to read the whole. In the third page of the report, the plan of providing arms for the purpose of enforcing their designs was termed a general idea; yet directly after it was stated, that the matter was discussed but by a few, and that only when the general meetings were broken up. Upon the subject of procuring arms much had been said and what were those arms? Not 18,000, as might have been supposed, but eighteen pike-heads, ten batle-axes, and twenty blades, unfinished. The circumstance of coupling the society of the Friends of the People with the other societies could only be done with the insidious design of lessening them in the eyes of their countrymen. What charge was there attempted to be exhibited against them? Or of what use could they be possibly made in establishing the treasons supposed to exist? If it was said that those letters were found upon Mr. Skirving, then he demanded to know why the whole of them were not published? It might be said, that a slight scratch might cover the body with sores; but he was confident, there was no danger to be apprehended from the inoculation in this country of French principles. The very terms in which the report of the committee was conveyed were so absurd and contradictory that no court of justice could possibly pronounce any sentence inferring criminality on the members of the societies now calumniated and accused.

Mr. Serjeant *Watson* would take upon himself to declare, that no English court or jury could entertain a doubt as to the propriety of convicting persons implicated in such practices as those imputed to the men named in the report. He gave his hearty assent to the motion.

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Mr. *M. Robinson* did not think that the business of the arms had been clearly made out, and although he confessed himself an alarmist, yet he thought it unfair that instances to prove the dissatisfaction of England, should be brought from Scotland.

Sir *Watkin Lewes* said, that he had never made up his mind upon the propriety of the measures pursued by the minister, until the last report of the Secret Committee, but that was so strong as to render him along with others, an alarmist, and he was now only surprised that administration did not take strong steps sooner.

Mr. *Martin* said, he had not before known, that there was any thing unconstitutional, far less treasonable, in a subject of this country keeping arms in his possession for his own defence. He saw nothing in the report, that warranted any thing farther than that some persons had provided themselves with arms for their defence, in case their rights, property or lives might be attacked.

Mr. *Burdon* was of opinion, that though the heart of the country was sound, yet we were not free from danger. We were not then, to wait till the mischief arrived, before we made any attempts to check it. The address should have his warmest support.

Mr. *Fox* said, he should have been happy, if he could, consistently with his duty, have given his vote in favour of this address. Various associations had certainly been formed; some of them for laudable purposes, and others for purposes perhaps not so laudable. He should have considered the address with more satisfaction, if he had been persuaded that the effects of it on the persons who were its declared objects, would be such as gentlemen who supported it seemed to expect. With regard to those persons who had formed themselves into associations, with views more or less laudable, as far as their views were to be judged of from their original professions, it could not be suspected that he had any partiality to influence his opinion. Partiality could be derived only from general concurrence of sentiment, favour shown, or support received. Those persons, however, had always been signalized as his personal and political enemies; they were also, the greater part of them, the very persons who had supported that system of power against which he had always contended; they were the persons who had at all times, till very lately, supported the present minister: who had lent their utmost aid to bring him into power; and who, by their present conduct in opposition to him, contributed more to promote his measures than by their former support. He was not now to debate, whether or not there were some persons who entertained principles and favoured designs hostile to the established government of the country. At all times there had been such persons, and ever would be under any possible system. Was it not notorious, that during the reigns of the two first princes of the House of Brunswick, there existed, not a few inconsiderable persons, but a party of great weight and influence, from their numbers, rank, property and character, not merely entertaining, but actively prosecuting designs hostile to the protestant succession? But, had the best bulwarks of the constitution been suspended on that account? No. The good sense of the people at large, and their attachment to a system, the practical effect of which they felt to be the promotion of their happiness, rendered fruitless the systematic hostility of that party. On the decline of that party, by whatever name it might be called, other disaffected persons, with the same or perhaps other views, naturally arose. How this new party acted in 1784, it was unnecessary for him to mention. Gentlemen could not but know that the system of vilifying parliament, so successfully pursued at that period, must have produced a very great effect, and had perhaps been the immediate cause of all those proceedings which they were now called upon to repress by such extraordinary measures.—The question to be debated was, not the existence of disaffected persons, but whether what they did was sufficient to call for or warrant a departure from the ordinary course of administering the government? Were not the laws against seditious or treasonable practices in full force? and was not the general disposition of the people loyal and zealous to support the constitution? What more was necessary? As the French by their abuse of liberty had brought liberty itself into disrepute, he warned the House against the fatal error of bringing the constitution into contempt with the people, by teaching them, that it was inadequate to any emergency; that it possessed not vigour to oppose the least attack, that it held forth the semblance and not the sub-

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stance of protection. In discussing questions of war or alliances, they were told, that it was the prerogative of the crown so declare war and conclude treaties, and that parliament was not to interfere with the exercise of that prerogative, but to punish ministers in case they abused it. Was it not equally the prerogative and the duty of the crown to punish all attempts against the constitution by the regular course of law, and the province of parliament to animadvert on ministers if they neglected or betrayed that duty? No reason could be alleged for deviating from the ordinary mode in the one case any more than in the other. Why, then, were they called upon to take the lead and give a previous sanction to measures, which it was their duty only to superintend? What, after all, was expected from their address? Professions of loyalty. Surely, surely, the House of Commons had better means of manifesting their loyalty than by professions! Professions they had already given in abundance, and they were now to give no material advice; they were only called upon to witness facts, to affirm their belief of the existence of a conspiracy, which were already in issue on the trials of the persons committed as accomplices in that conspiracy. The papers in the report on which the address was founded, were many of them the composition of ministers: of the authenticity of such papers, neither the House nor the secret committee had any knowledge of their own; and they might all be as false as the charges upon which Mr. Walker of Manchester was brought to trial. The effect of the address could only be to publish the opinion of the House that the constitution was in danger.—He had flattered himself, that the day on which they had voted thanks for a great and glorious victory, achieved by the united zeal and valour of every officer and seaman in our fleet, would not have been chosen as the day to sound alarm. That victory, he had trusted, would have banished every idea of invasion from the enemy, the only circumstance that could give colour to danger from disaffected persons at home; and he had hoped that lord Howe had not only conquered the French fleet, but reconquered the Habeas Corpus act. But although the cause of alarm was gone, the effect still remained. What were the numbers of those persons from whom so much was dreaded, and what their quantity of arms even as stated in the report? Too insignificant surely to act by open force! But they talked of a convention. What was the magical influence of this word, that if any set of people were to meet and call themselves a convention, the whole nation must be undone? Were they to form their convention and attempt to exercise any authority contrary to law, the nearest justice of peace, he was fully convinced, might easily disperse them. Their conversations about arms, too, it appeared were all private. They were not held in their public meetings, but by a few persons after the other members were gone. They did not venture to trust the secret of providing arms even with those whom they expected to use them.—Between the former state of France and the state of this country there was as little resemblance as between what had happened there and what was apprehended here. There was not in this country that wide separation of rich and poor, without any intermediate class, which too generally prevailed in France. The revolution in France was not begun by the lower and inconsiderable orders of the people. It was an assembly, uniting in it much of the rank and property, and, perhaps, the greater part of the talents of the kingdom, that commenced the French revolution and overturned the ancient government. Such men as composed some of the dreaded societies in this country, had risen to power in the progress of that revolution, but they were utterly incapable of beginning it. He was glad to find that more stress was laid in the report on what had been discovered in Scotland than on the discoveries made in England; both on account of the natural predilection which every man felt for the part of the country in which he happened to be born, and because it was a complete answer to the desperate proposition with which the House had been threatened, of introducing the Scotch law into England. Under the mild system of English law, so effectual had experience proved it to be, sedition was hardly to be found; under the rigorous system of Scotch law, still existing in full force, sedition had grown up to rebellion. Such was the fair inference from the report; and the converse of the argument might be also true. The rigour of the Scotch law might have tended to raise sedition. Might not there be many men in Scotland who, like himself, would feel but little in-

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terested in preserving a system of government under which they should be exposed to such treatment as appeared in the cases of Muir and Palmer? In such discussions as were necessarily occasioned by the late proceedings in parliament there might be much mischief. In attachment to the constitution, he would not yield to any man; but he was attached to the substance and vital spirit, not merely to the form. The substance and vital spirit was political freedom. A convention, and resistance to the form in favour of the spirit of the constitution, had rescued our ancestors from impending slavery, and seated the House of Brunswick on the throne. It was the right of the people to meet; it was their right to discuss either their private or political affairs. Those rights were sacred and essential to freedom. If they were invaded and suppressed, the constitution might be reduced without a struggle, to a level with those of other countries, which, perhaps, once resembled our own, and of which the forms had not long survived the substance. He was, therefore, sorry when he saw the people called from that attention which they ought always to pay to the administration of the government, to alarms for the existence of their government itself; and he now believed the old faction he had mentioned in a former debate, which, by whatever name, had uniformly pursued the same plan of throwing all power into the hands of the crown, to be spreading a false alarm of danger from one quarter to cover a real danger from another.—A case might be supposed in which it would be the duty of the people, assembled by their delegates in convention, to call upon parliament to do what parliament would not do of itself. Was it not, then, the height of madness to blunt the weapons and discredit the means to which he must resort in such an emergency? He would not quote the resistance made to king James as an example to prove that the prince on the throne might at any time be resisted. How then, it would be asked, was the obedience of the disaffected to be secured? The law had provided for the punishment of the disaffected whenever disaffection appeared in their acts. This was the proper means of prevention; and the true answer to all that had been said about suffering the mischief to grow to a head. To put the law in force, was it necessary for the House to declare, that they believed in the existence of a conspiracy against the government on evidence which they should have been ashamed to listen to? At the Lancaster assizes, Mr. Walker and other persons were charged with a conspiracy, which if true, would have amounted to treason. The evidence, it was feared, would not be sufficient to make out the charge of treason; but, on the principle adopted under some of the Stuarts, it was thought that it might be sufficient for a charge of a less heinous nature, and they were indicted for sedition. The only witness, when he came to be examined, was such a witness that the counsel for the prosecution themselves were ashamed of him, and the defendants were honourably acquitted. But had parliament before that trial declared their belief in the conspiracy with which those gentlemen were charged, a jury prejudiced and misled by such a declaration, might have found a verdict of guilty, on the testimony of a witness, who, in the common course of law, was held to be unworthy of any credit. Much horror and remorse, he conceived, must those who advised the prosecution have felt in such a case; and although they might have obtained a remission of the sentence, they could not have repaired the injury done to the defendants. For these reasons he objected to that part of the address which declared the belief of the House in the conspiracy, and should move to leave it out. He objected, also, to the declarations of loyalty as unnecessary, but should not vote against them.—An argument had been urged to which he should not attempt an answer, namely, that the second report from the Secret Committee being stronger than the first, the second, by the rule of three, would justify a stronger measure; and the suspension of the Habeas Corpus having been voted on the first, there could be no objection to voting an address, something less strong, upon the second. This mode of reasoning, though very disputable in logic, was conclusive in numbers, and therefore he should not divide the House on his amendment. The party who now governed France had usurped their power and still maintained it, by the alarm of numerous royalists existing in the country,—an alarm as false as the alarm of numerous republicans being in England. The principle in both cases was the same. By propagating the alarm of republicans here, ministers obtained

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powers that would not have been granted, and drew around them the support of persons who would not have voted for their measures under any other circumstances. He saw things in both countries with vulgar optics; in England a general and steady spirit of royalty, from a sense of the blessings derived from a limited monarchy; and in France, a general and desperate spirit of republicanism, from a recollection of the oppression suffered under despotism. Ministers, to gain supporters in carrying on the war, wished to reverse the picture, and make the House believe that France was full of royalists, and England of republicans. If this alarm were not kept up, the people would attend to the policy and the conduct of the war; they might even think that the war ought not to be persisted in; or, if we could not get out of it, that it ought to be directed by abler hands. From all these considerations, it was the interest of our ministers to divert them as long as possible. Were there among the persons from whom danger was apprehended, any considerable number of men of rank or property? Was it pretended in the report that they had since the war any correspondence with the French? Were they connected with any faction in the state? If they were to burst into the House of Commons, it would be indifferent to them, whether they turned to the right or to the left, whether ministers or opposition were their first victims. Such men might possibly arise in a revolution, but could never create one.—In the advice he now gave, he must be admitted to be disinterested; for it would hardly be imagined that he should wish to go to the guillotine, merely for the sake of being accompanied by the gentlemen over against him. The prosecutions ought to proceed, because they had commenced; but it was not therefore necessary that parliament, as had been suggested, should be kept sitting, to echo back the information received from the privy council. Rash, and even seditious conversation, he supposed would be proved; but he trusted no man would be found so far to have forgotten his duty to his country as to have embarked in treason. At all events, the trials would be conducted, and the punishments awarded, with the dignity and humanity of British justice; and the examples, in his opinion, strike with greater force without any previous declaration by parliament. In countries where the taking off a few individuals might overturn the government, a few individuals, however obscure, might effect a revolution; but in such a country as this, where the revolution must be popular to have the most distant chance of success, nothing could be more irrational than the attempt. Suppose such persons mad enough to attempt it, the danger would be contemptible to all but themselves, and they might be pronounced fitter for Bedlam than for Newgate. This argument, however, applied only to the present time: for if ministers were to persist in this ruinous war; if the exploded maxims of divine right were to be revived; if the dearest parts of the constitution were to give way, one after another, to the convenience or caprice of the government of the day, the situation of the people would become so desperate, that the most despicable faction might provoke a revolution. What, then, did he recommend? To study the peace and prosperity of the people; to hold out to them, not the unsubstantial theory, but the practical benefits of the constitution; to show that the first wish of the government was the real happiness of the people; to put an end to the war, and to inspire them with a love for the constitution, by exhibiting it in its native purity. To show them that liberty was as consistent with order, as order with liberty; and that the constitution, with all its restrictions on the executive power, the most valuable part of it, in his opinion, was sufficient for all the purposes of just subordination. This he might be told would be a degradation, and a compromise with a set of low and desperate men. In his opinion, it would not be a compromise, but a defeat. With disaffected persons he proposed no compromise. He was not so wild a speculatist, as to believe that any government could satisfy every one of those who lived under it: his advice was only to render the number of the discontented as small as possible, by removing as many as possible of the causes of discontent. Let all civil distinctions on account of religious opinions be abolished. Let dissenters find equal protection and equal encouragement. Let the rights of neutral nations also be respected, more especially the rights of America, so intimately connected with us by common language and common interest. If *ut ameris, amabilis esto* was a sound maxim in philosophy, though used by the poet on a slight occasion—if the

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great body of men, who were supposed to be adverse to the constitution, should be made to experience an equal protection from the laws, and an equal interest in the welfare of the country; then the small body of men who might wish for a revolution in this realm, would stand at once insulated and disavowed. They might be confined if their efforts were thought dangerous; if not, they would scouted from society. Such were, in his opinion, the means, and the only means, to secure liberty and happiness to this country.—Mr. Fox concluded with moving, as an amendment, to leave out from the words "by the result of that examination," at the end of the first paragraph, to the words "and we beg leave to assure your majesty," at the beginning of the last paragraph.

Sir *W. Dolben* said, that if the amendment was adopted, their proceedings would be as absurd as the right hon. gentleman wished that House to believe them to be. He looked upon this as a conspiracy of so dangerous a nature, that it was proper for government to interfere. He was not one of those who believed there were no republicans in this country. He expressed his apprehensions, and said, that those who did not fear in common with the rest of his majesty's subjects, must have something to hope which they did not hope in common with him. The address had been sent them from the Lords, and he trusted the House would not insult them by consenting to such an omission. If they did, we should have a passive obedient king, non-resisting lords, and a rampant republican House of Commons.

The *Attorney-General* said, there was one point in Mr. Fox's speech which he could not avoid noticing, namely, that by agreeing to the present address, the House would make itself a witness against those persons who were to take their trial upon charges of a very serious nature. If this assertion were true, it certainly would be a very good argument; but there appeared to him not the smallest foundation for it. Would the right hon. gentleman contend, that because certain persons were under a state of prosecution for certain offences, the House of Commons ought not to return an answer to information communicated to them by his majesty, more especially when that information was of a nature that concerned the dearest interests of the state? Were there not cases in which the House more directly interfered in prosecutions, without being supposed to throw any improper bias upon the proceedings? It happened in a variety of instances, that the House addressed his majesty to prosecute an individual; and yet it never was asserted that the individual so prosecuted did not meet with a fair trial.—In speaking of the principles of these societies, the right hon. gentleman had said, that some were laudable, and others not quite so; but it should be recollected, that those principles which the right hon. gentleman had described by the gentle phrase of being not quite laudable, were principles which tended to the destruction of the whole government of England. Another argument of the right hon. gentleman was, that the people had a right to meet for the purpose of obtaining redress of their grievances; and in support of this proposition he had alluded to the revolution in 1688. Before the House adopted this mode of reasoning, let them consider the length to which it might be carried. There sometimes happened in states, moments of real emergency when the extraordinary powers of the people might be put into action; but because such awful periods might sometimes occur, would any rational man say, that those powers should be always in action? To compare the Revolution of 1688 with the plans of the societies of the present day, was to slander and degrade the former. He called upon the gentlemen opposite, to point out one single principle which was adopted in common by the persons who conducted the Revolution of 1688, and the modern reformers. The one was anxious to preserve the constitution, to fix the prerogative of the crown, and to assert the privileges of the people; while the other wished to subvert the constitution, to destroy the monarch, and, under the name of liberty, to tyrannize over the people. The Habeas Corpus act would remain in full force, except as to those who were accused of high treason, or suspected of treasonable practices. There was one argument which the right hon. gentleman had used, to which he did not mean to reply, for the most obvious reason possible—because he was not able. The right hon. gentleman having passed a very high eulogium upon lord Howe, said, *ergo* we ought not to vote for the proposed address. Such an extraordinary piece of logic, he believed, never was heard in that

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House before, and set all answer at defiance. He concluded with giving his hearty assent to the address.

Mr. *Dent* read a letter from the London Corresponding Society to the French convention, and appealed to the good sense of gentlemen, whether they did not find it incumbent on them to give their full and needful support to government at a time when the safety of the country demanded it.

Mr. *Wharton*, from what he had seen in the report, thought the proceedings of those societies warranted the measures that had been taken. He had belonged to one of those societies, and it was therefore with reluctance before that he could condemn its proceedings, because he had never known them to be improper. He had been at only one meeting, and there he was sure nothing unconstitutional had appeared in their proceedings. He now had seen enough to convince him that it was his duty to come forward with a declaration that he totally disliked their conduct, and therefore he must give his support to the present motion.

Mr. Fox's amendment was negatived. The Address was then put and carried.

The King's Answer to the Address of both Houses.] To the joint Address of both Houses his Majesty returned this Answer:

"My Lords, and Gentlemen;

"I receive with great satisfaction this dutiful and loyal address. I could not doubt of the concern and indignation with which you would see, from the communications which I directed to be made to you, the nature and extent of the treasonable conspiracy which has been carried on in this kingdom, and directed to the subversion of the established constitution and government: you may be assured that nothing shall be wanting, on my part, to give due energy and vigour to the execution of the laws in order to maintain our internal peace and tranquillity, and to preserve to my subjects the blessings of liberty and order. Your uniform conduct affords me the surest pledge that I shall, on all occasions, receive from you that assistance and support which may best contribute to these points, so essential to the dearest interests of my people whose happiness must ever be the first object of my wishes."

*Lord Abingdon's Speech against Pettifogging Attornies.**] June 17. The Earl of *Abingdon* rose and said;—My lords, It being my intention to bring forward, in the course of the next session, some resolutions, I trust, for the adoption of this House, whilst I now rise to give your lordships notice of this, I do so for the reason, that by stating briefly what the object of those resolutions are, your lordships' attention may, during the recess, be drawn to the subject. Enemy as I am, to those theories of reform, which quixotism, ambition, party spirit, or any spirit but true public spirit, have contrived to puzzle and mislead the people with, there is one species of practical reform, which, in professing myself to be the friend of, it is under the circumstance of knowing that there is, within these walls, as well as without them, but one mind and one sentiment upon the occasion. It is a reform, my lords, which the judges of the land, of that heavenly attribute of justice which so conspicuously belongs to them, have all called out for, and are, so much to their dignity and honour, lending their assistance to obtain. It is a reform which parliament itself has already begun to look to. It is a reform which the liberty and property of the subject cry out for, demand, and must have. And, having said this, I dare say your lordships already anticipate me, in knowing that the reform I allude to is that of those locusts in the law, the Pettifogging Attornies of this country; who like the locusts in Africa, fall like a cloud upon the earth, and eat up every thing they meet with. This is the reform in which I take pride to myself in the appellation of a reformer, in which I assume credit to myself, as being not what is so called but what is truly so, "The Friend of the People;" and in which, suffering as I have done, under the inordinate sanction of these absorbing animals, I am, perhaps, as well qualified for the task of this reform as any one can be.—My lords, this is a subject that comes home to the very doors of every one of your lordships; for which of you is a stranger to its effects? The greater, the higher, the richer

* The earl of Abingdon having caused the above speech to be printed in a public newspaper, Mr. Sermon filed a criminal information against his lordship in the court of King's-bench. On the 6th of December his lordship was convicted of a libel, and, on the 12th of January following, was sentenced to three months imprisonment in the King's-bench prison, and to pay a fine of 100*l*.

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you are, the more prone are you to its consequences and the surer of becoming sooner or later, the victims of its all-devouring avarice. What many of your lordships are, I was: what I am, without timely interference, your lordships may, your lordships will be. It is not only for your lordships' own sakes, and for tke sake of the community at large, but because it is a subject under the pressure of which I now stand that I am led to excite the endeavours of your lordships, in assisting me to stop the progress of this growing evil. My lords, my case is a hard one indeed: and I will state it in a few words to your lordships, because I am made to suffer the injury without being able to obtain either remedy or redress. It is now five years that I have been in the gripe of one of these locusts, and whom, for the sake of the courts of justice, and as a warning to others, I will name. For the sake of the courts of justice, that the judges, as well as the sound part of the profession, may keep a watchful eye over him; and as a warning to others, that by avoiding him they may, insomuch at least, escape the treatment that I have met with. This man, my lords, is a Mr. Thomas Sermon, gent. as he calls himself, that is gentleman I suppose, of No. 1, Coney Court Gray's-Inn: it should rather be, to adapt the place to the man, of No. 1, Cunning Court Gray's-Inn. After every demeanor on my part towards this man which the most rigid practitioner in the law could have expected, and the most ready money client have submitted to, it has been my lot to find in him every return which the blackest ingratitude could suggest, which treachery could invent, and in the art of pettifogging, the extremity of wickedness could practise upon me. It is for five years that I have known him; and I may solemnly say upon the oath that belongs to me I can declare, upon my honour, that in all our intercourse of business together, which has been very multifarious, I have at no one time had reason to be satisfied with his conduct towards me. I have succeeded, it is true, in two suits, which he has had the conduct of; but besides that the suits themselves rested on that ground of justice that maintains itself I owed nothing to him for their success. He acted under the compulsion of integrity, under the persevering influence, and the corrective knowledge of one who was not my lawyer, but is my friend; of one whose head and whose heart, like his public and private character, render him the ornament of human nature; I mean my tried and faithful friend Mr. Estwick; or otherwise, my lords, under this man's management I had every thing as arising out of him, the very reverse of success to apprehend.—He was engaged, too, in another suit of mine, standing on the same ground of undeniable justice, and what has he done here? Because the treachery of his proposals to me were not listened to, proposals which (strange to tell, although acting for, and paid by, me as my solicitor) had they been listened to, the very object of the suit, on which thousands of pounds depended, would have been totally defeated; I say, my lords, what did he do? At the very moment when the suit was on the point of being determined, in the moment when the assistance of a solicitor was most of all wanted, in that very moment without the smallest motive of provocation on my part nay, with every motive the very contrary of provocation towards him, he bursts out (not being able, in his last effort, to compass his designs upen me) in a fury of language as indecent as it was punishable at law, did he not wear the coat of mail of his profession on his back, throws up my business, declares from that moment he is no longer my solicitor, and, in direct violation of his contract with me, that every suit should stand on its own bottom; that the expenses of each suit should be paid on its determination; and on this ground receiving, but a few weeks before from me, no less a sum than fourteen hundred and forty odd pounds, (not to mention the hundred and hundreds he had besides), in payment to him of his law charges only.—Let me repeat again, what does he do? He demands payment for that, to which neither by contract (the suit not being determined) nor by having fulfilled his duty as a solicitor, was he entitled to receive; he demands payment of the balance due to him, a balance great to be sure, but small indeed, in comparison only with what he had but just received, a balance of five hundred and fifty odd pounds only; a balance too, the payment of which, contrary to agreement, was promised as soon as his bills were inspected; and yet, in the face of all this, like a licensed robber, he claps a legal pocket pistol to my breast, (that is, he brings his action against me), and taking the advantage of my being without a solicitor and of course could not immediately

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appear to the action, he procures writs of distringas with false returns to be issued against me, and in this manner gets into his hands, the rents, issues, and profits, of estates of mine in Oxfordshire, to the amount of 1,200*l.* a year, and upwards. *Hic niger est*, my lords; but black as this *qui tam* gent. is (and still blacker could I make him), he is not half so black as those rotten limbs of the law, and other pretended friends of his, who have aided and assisted him in this political conspiracy, conducted by pettifogging artifice; for so it is, my lords, against me; but let them and him know, that unprofessional as I am, they will find me more than a match for them. One mite of wisdom my lords, is worth more than a million of cunning; and what my motto is, *Virtus Ariete fortior*, I trust my conduct will ever give the unquestionable proof of. And so, my lords, leaving these "birds of a feather to flock together," till opportunity may serve for the clipping of their wings, it remains only for me at present humbly to thank your lordships for the indulgence I have had in stating a case, which, although of a private nature, will it may be supposed, from its example, prove of some weight in finally producing a very great and essential benefit to the public.

Protest against the Vote of Thanks to Lord Hood for the Expedition to Corsica.] June 17. Lord Grenville, after a short speech, moved, "That the thanks of the House be given to admiral lord Hood, for the important services which he rendered to this country by his able and gallant conduct in the expedition to Corsica." The motion was supported by the lord chancellor and lord Hawkesbury, and opposed by the earl of Lauderdale, the earl of Derby, and the duke of Bedford. The motion was agreed to, on a division, by 31 to 5. Upon which the following protest was entered on the Journals:

"Dissentient,

1. "Because it has not been the practice of this House to vote thanks to officers commanding his majesty's forces by sea or land, except on occasions where they have eminently advanced the honour and promoted the interests of their country, by the most important and acknowledged services.

2. "Because by voting the thanks of this House, except in such instances, we diminish the value of the most honourable reward we have it in our power to confer, and lessen one of the best incitements to future service.

3. "Because the reduction of Bastia does not in itself appear to us to be such a service as calls upon this House for any extraordinary mark of approbation or applause.

4. "Because, whatever the merit of that service may be, the other admirals of the fleet, and the commanding officers of his majesty's land forces, must have had their share in it, and to refuse thanking them, as had been usual on similar occasions, appears to us to justify an opinion that the vote of thanks to lord Hood originated from some motive of a private and personal nature, which it is improper for this House to countenance.

5. "Because even ministers themselves do not seem, in the first instance, to have considered that service as entitled to such a mark of approbation; for though accounts have been received of the reduction of Bastia previous to those of the victory obtained by the fleet under the command of earl Howe, no intention was announced of moving a vote of thanks to lord Hood, till this House had paid the just tribute of gratitude and honour for that most important and splendid victory.

(Signed) BEDFORD.
LAUDERDALE.
DERBY.
THANET.
ALBEMARLE."

Debate in the Commons on the Vote of Thanks to the Managers of the Impeachment against Mr. Hastings.] June 20. Mr. *Pitt* rose, pursuant to notice. He said, that he conceived it to be the immemorially established usage of that House, when it selected any of its members for the discharge of extraordinary duties, or for the direction and execution of extraordinary trusts, as soon as those duties were discharged, and those trusts fulfilled, to render them that satisfaction to which their labours and fidelity entitled them. If then this usage was, on former impeachments, considered as necessarily resulting from the justice of the House, the present case came before them with a claim equal, if not superior, to any that stood upon their Journals; for it was a task of great length, labour, and difficulty, and had been performed by the hon. managers with indefatigable industry, unparalleled assiduity, and laudable obedience to the desires of that House. That reward

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which alone the House had it in their power to bestow, it was their bounden duty to give, namely, their thanks and approbation.—He did not think that gentlemen could, if they regarded parliamentary propriety, refuse to the managers the tribute of their thanks, whatever might have been their early opinions with regard to the propriety of the impeachment itself. The right of impeachment was a most valuable part of the British constitution, and perhaps as important, when exercised to protect our distant provinces from oppression, and to control the severity of oriental despotism, as when enforced to correct offences committed against our own laws and constitution at home. Finding that an opposition was intended, he had taken some pains to conjecture, what rational objections could possibly be made to it. Such as he had been able to conceive, he would answer by anticipation, reserving to himself a right of replying to any others that might have escaped the search of his imagination. The usage of the House on such occasions being undeniable, was there any thing peculiarly belonging to this case, to make it an exception to the general practice? As to the expediency or inexpediency, the justice or the hardship, of the impeachment, each was quite foreign to the present question. The impeachment itself had been voted, not only under the conviction of the guilt of the party impeached, but as a terror to those placed in a similar situation in the government of our distant provinces; and whatever the ultimate decision might be, he was confident that the example of Mr. Hastings would deter other governors from a repetition of the practices which marked his administration. The managers of all former impeachments had been rewarded with the approbation of the House. He had examined with some care, whether there were any circumstances that distinguished this from every other impeachment, in such a manner as to make it improper or unnecessary to pass a vote of thanks to those members who had conducted it; and, after a minute investigation, he was of opinion, that it was distinguished from all other trials of a similar nature, by circumstances of unusual partiality in favour of those gentlemen. When the House considered the unremitted labour, the magnitude of the object, the weight of the charge, the almost unbounded extent of the proofs, documents, and other materials, they would allow that the managers had indeed a Herculean task to perform; and the perseverance and ability displayed by them in the exercise of that task were sufficient not only to extort the warmest applause from the House, but even to cover, or rather annihilate, any error, if errors there should be stated against them.—In considering the objections that might possibly be started, the first that struck him, was the length of the time. In this objection, however, he was by no means inclined to concur: It was at best but mere presumption; for he would put it to any man of candour and sound sense, to consider the nature of the charges brought by the Commons, and the evidence necessary to support those charges; and to declare whether any imputation, on the score of the duration of the impeachment, could attach on the managers. The very nature of impeachment carried with it a cure for that objection; as it implied a case beyond the scope of an ordinary court of judicature; and, therefore, to make it a presumptive objection, was to make a presumption against the very nature of impeachment itself. The duration of the impeachment, was to be estimated not by the years elapsed since its commencement, but by the days and hours actually allotted by the court for the purpose. The House was to recollect what number of days the court sat at all, and of each of those days how many hours were given to the business in hand; and they were then to consider what portion of that was consumed by the managers, and what by the defendant: and still further, what additional delay given by the latter, by objections taken on his part to almost every thing offered on the part of the prosecution. To prove this disposition to object to evidence, gentlemen had but to look to the Report made by their committee on the causes of the duration of the trial,* and they would find it fully proved: they would find that the counsel for the defence indicated such a disposition to cavil and object to evidence, that the imputation of delay originated with the party himself. Their earnestness in endeavouring to get evidence suppressed, was a strong presumption that the managers proposed none that was irrelevant to the charge; but the forms of

* See p. 288, of the present Volume.

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the Court obliged the Lords to reject, in many instances, what had been procured by great industry and perseverance. And again, of the portion consumed by the managers, how much was lost in consequence of replying to trivial and vexatious objections proposed by the defendant's counsel. The managers had to discuss question after question; and in these discussions it frequently fell to their lot to defend points more important even than the impeachment itself, and which they could not have given up without abandoning some of the best privileges of our ancestors. Gentlemen were bound in candour to refrain from opposing this motion, unless they had minutely examined the whole question. Were there any members who would stand up and say, that they could have brought the trial to a conclusion in less time than the managers had taken? He did not think that any hon. member had reason to complain of them for dilatoriness; but if they even had, their complaint would come too late. They should have made it when the cause had occurred, and when the evil might have been remedied. To delay it till the trial was over, was an injustice both to the managers and the accused.—Under these circumstances, he could not see who could object to the vote of thanks. Those who were originally friends of the impeachment, could not vote against it: had they changed their opinion of the impeachment, they should have arrested the progress of it, rather than have treasured up their opinion to be brought forth at that unseasonable time. Another class of persons who might object to the vote of thanks, were those who had been averse to the impeachment *ab origine*. To such he would make this general observation, that their voices being absorbed by the majority, they were as much bound by subsequent resolutions, as if they had given their assent to them.—He did not wish to be understood as casting any personal reflection on the friends of Mr. Hastings. The question was, whether the vote of thanks should pass unanimously, or receive the assent of those only who were friends to the impeachment? And he wished those who had shown themselves hostile to the impeachment, to reflect seriously before they gave a negative to the motion; for he doubted much whether an unanimous vote of that House (honourable though it was) would be so honourable to the managers, as a vote of thanks marked with the discriminating negative of those who felt themselves irritated and stung by the faithful and admirable discharge of the task imposed upon them by their country.—Mr. Pitt concluded by moving, "That the Thanks of this House be given to the Members who were appointed Managers of the Impeachment against Warren Hastings, esq. for their faithful management in their discharge of the trust reposed in them."

Mr. *Sumner* rose to oppose the motion. He was a great admirer of Mr. Hastings; but his objections to the motion arose from circumstances utterly independent of Mr. Hastings. The right hon. gentleman had said, that Mr. Hastings could not now be affected by any motion that could be made in that House; that the decision was before a competent court, which could only determine by evidence. Admitting this to be the fact, still, a vote of thanks was, in a certain degree, a vote of approbation of the managers conduct. Surely the period was too short for the House to determine upon the conduct of their managers. Seven years had the trial lasted, and it had been attended with circumstances new and most extraordinary. It was said, that the motion was in conformity to precedent, but even in point of precedent, this was not the season to propose a vote of thanks. It was not justified by the usage of parliament. In the Journals, instances were not wanting, where no vote was proposed in approbation of the conductors of an impeachment, but in none had it been given prior to judgment being pronounced.

The *Speaker* observed, that the hon. member must mean verdict, and not judgment. According to the usage of parliament, the Lords give the verdict in their own chamber. They then inform the Commons, that they are ready to proceed to give judgment. The Commons, in answer, appoint a future day to demand judgment. In the cases of Dr. Sacheverel and lord Macclesfield, the Commons carried a vote of thanks in the interval between the giving of the verdict and the pronouncing of the judgment openly in the Court.

Mr. *Sumner* said, it was true, that on former occasions thanks had been voted before judgment was pronounced, but certainly not until the verdict was known. In this instance the thanks would be voted many months before the judgment, and though any thing that could be construed

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into an approbation of the Commons, would not affect the judgment, there was an indecency in the proceeding which led him to oppose it in the first instance.—If the time were not improper, he certainly would not oppose a vote of thanks to the managers (one excepted), who had faithfully discharged the trust imposed on them. He thought the charges to be ill-founded; but it was the duty of the managers to support them, and he would not object to their receiving the thanks of that House at a proper time, provided they could be given without their bestowing their thanks at the same time on the leading manager, who had by his conduct disgraced and degraded the House of Commons, and had dared, in their name, to vilify every gentleman who had had the honour and good fortune to serve his country in India; including in his abuse, all their connexions of every description, and applying the odious epithet "gang" to this body of men. [The Speaker called to order!] Mr. Sumner said, that if he could find more measured expressions to convey to the House his sense of the misconduct of Mr. Burke, and of the disgrace he had brought upon the House, he would use them; but he would proceed to explain what that manager's conduct had been, in the hope that it would be as much reprobated by the House, as he knew it was by all descriptions of persons out of doors. The facts that he should detail, the members in general were ignorant of, for very few indeed had attended. He had too high an opinion of the minister to think it possible for him to have made the present motion, had he ever heard the leading manager in Westminster-hall. Did the House know that Mr. Burke had solemnly affirmed, that captain Williams had murdered Raja Mustapha Cawn with his own hands? What authority had the House given Mr. Burke to make such a charge? Was it decent or honourable in the House to suffer such language to be uttered against any gentleman, and yet deny to him the means of defending himself? All that man could do was done by captain Williams to bring this outrageous calumny to a fair trial; he petitioned the House upon it five years ago,* the House would not bring a charge that he could reply to; and was the manager to receive thanks for daring to charge an English gentleman with murder in a speech, and there to leave it? Was this British justice?—The last House voted twenty articles of impeachment against Mr. Hastings; three were gone through in the last parliament. Benares, the Begum, and the Presents. This House, by a formal vote,* precluded the managers from going into any other articles except the contracts; and the prosecution was finally closed in the first session of this parliament. Did the House know, that in contempt of this resolution, the manager insisted on his right to go into the other articles, and expressly told the Lords, that the Commons had not abandoned any one of them? Would the House thank the manager for this contempt of their authority? Did the House know, that the language used by the leading manager to the court was in the highest degree disgraceful? That he had had the presumption to tell the court, whether with a view to intimidation, or from the wildness of the moment, that the Commons had not only prosecuted, but they had found Mr. Hastings guilty when they impeached him; that the Lords could not acquit him without proving the legislature a liar? Was such language to be borne? Was this British justice? Would an English House of Commons approve of such sentiments? What was a solemn trial by impeachment but a mockery, a farce, if such language was not scouted by every man who heard it? The leading manager, finding the general sentiments of gentlemen who had served in India to be strongly in favour of Mr. Hastings, and in order to invalidate the testimony of the witnesses, had attempted to blacken and to blast the character of every gentleman who had breathed the air of Asia. Was this universal abuse necessary in order to convict Mr. Hastings? Were the character and fame of every man to be torn in pieces without a hearing? Was this to be done by the authority of the House of Commons? Were they prepared to adopt at once the extravagant and indecorous substitution of the slang of Billingsgate, for the strong energetic language of truth and justice? Would they sanction the manager's calling Mr. Hastings, "spider of hell," and "judge of hell?" Would they confer on Mr. Hastings, by this vote, the minor titles of swindler, thief, rogue, sharper, cheat, or the more daring descriptions, tyrant, op-

* See Vol. 28, p. 489.

* See Vol. 28, p. 1237.

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pressor, and murderer? "I charge him," said the manager, "as a tyrant, oppressor, and murderer in the largest sense of the word." Did the House know, that though Mr. Burke was reprimanded for accusing Mr. Hastings of murder, he repeated the charge on the very next day, and again repeated it a few days ago, as he says himself, "in the largest sense of the word." Instead of thanks, did he not deserve the resentment and the reprobation of the House? Had the House ever charged Mr. Hastings with murder? On the contrary, had it not reprimanded the manager for using such foul language? In his last and closing speech he had dared to say, that he charged Mr. Hastings with murder in the largest sense of the word, and this is at a period when he could make no new charge of any kind without a positive disobedience of the orders of the House. Should we return him thanks for abusing so grossly the confidence which the House reposed in him? Did the House mean to impeach every man who had served his country in India, when they put Mr. Hastings on his trial? The violence of the manager had spared neither the dead nor the living. Hear what he said in his closing speech: "This cruel tyrant, Hanney, a substitute for a still more cruel and bloody tyrant, Warren Hastings—Hastings says to Hannay, you have sucked blood enough for yourself, now suck blood for your neighbours." Did this House authorize such language? Colonel Hannay was dead. No part of his conduct was implicated in the articles on which the cause rested. Speaking of another gentleman, the manager said, "This Balfour, the writer of this extraordinary letter, one of the military farmers general employed under Hannay in desolating the country." Was such language to be countenanced or endured? What was there in the charge that applied in the smallest degree to major Balfour? Speaking of major Osborne, the manager said. "major Osborne had been dismissed. A court-martial removed him, justly or unjustly I care not, from his situation. There he sits in that box. Who sent him to Oude, to suck the blood the military had spared?" What was there in the articles that applied to major Osborne? The House was degraded and disgraced by the misconduct of the manager. "His supple, worn-down, beaten, cowed, and I am afraid, bribed colleague, Mr. Wheeler." Was this justifiable language to be applied to a man who was no more, when there was no evidence that could warrant such an insinuation? In any stage of the trial, such language would be highly improper; but in the last stage of it, to make such remarks was to betray the cause entrusted to him. In the same indecent terms did the manager address the court. In offering a piece of evidence which the court unanimously rejected, the manager had told them, that he was addressing an assembly of nobles; that they would not do so foul a thing as to reject the evidence he offered; for if they did, they would act like thieves in a night cellar. He trusted he had laid sufficient grounds for the motion which he meant to conclude with, and would therefore move the previous question.

Mr. *Wigley* seconded the motion. He said that no precedent of former thanks applied to this case. The trial had lasted seven years, and would not be finally terminated until the next session. Let gentlemen consider the nature of their managers conduct before they came forward with a vote of approbation. If the trial had been finished in the first year, the House would have been competent to form an opinion, but the members had deserted the hall, and even of the managers very few had lately attended.

Mr. *Robinson* said he had been present in Westminster-hall when the leading manager had, in his opinion, treated the court with very great indecency; he should therefore certainly oppose his receiving the thanks of the House.

Mr. *Windham* said, that although he at first intended not to speak, as being in some degree a party in the question, yet he felt himself relieved from this, by the distinction taken between Mr. Burke and the other managers; although he was convinced there was not one of them but would be proud to be connected with him in the fame and honour of the transaction. He affirmed, that in every instance quoted by the hon. member who opposed the motion he had been completely mistaken; in many instances he had attributed to Mr. Burke words never uttered by him, and in others the expressions were so garbled and separated from the context, as not to be understood. He was at a loss to know by what vocabulary of politeness, by what academy of compliments, courts of criminal judicature were to be directed in the choice of language, and in the selection of soft polite words, to express the criminality of cul-

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prits. Thoughts were only to be conveyed by suitable expressions; and the indignation of a virtuous man against a person whom he supposed to be a criminal, could not be expressed in very polite terms. He, for one, had never conceived, that in speaking upon what the managers looked upon to be crimes of the deepest dye, they were to observe the courtly language of a drawing-room.

Mr. *Francis* said, that his intention in addressing the House on the present occasion, was to give his testimony as a witness to certain points of fact; that having attended the trial with the greatest diligence, and more constantly, he believed, than any other member of the House, he was at least a competent witness upon every thing that passed, and he did not mean to assume any other character in this debate; that without questioning the hon. gentleman's veracity, he did and must dispute the exactness of his recollection on many points; and that even the hon. gentleman himself had not trusted entirely to his own memory, having been obliged to refresh it by recurring to a newspaper, to which no confidence ought to be given: that he thought the hon. gentleman had greatly overstated, and given a very harsh and strained construction, in every instance, to the language used in the pleadings by his right hon. friend; but that, in some very material particulars, he took upon him to affirm that the hon. gentleman had been grossly mistaken or misinformed. For example, the expression of "spider of hell," was never applied by his right hon. friend to Mr. Hastings; it was a quotation from a speech of sir Edward Coke against sir Walter Raleigh; and Mr. Burke, when he mentioned it, had spoken of it as a weak and foolish expression; that the words, "a judge of hell," were nothing but a quotation from Virgil,

"Castigatque auditque dolos; subigitque fateri;"

which the hon. gentleman had thought fit to translate into very vulgar English, and then fixed his own English words upon Mr. Burke. There was another instance, more material than all the rest, on which he could aver with positive certainty and would be ready to do so in a court of justice, if it were necessary, that the hon. gentleman was most completely mistaken, namely, when he asserted that his right hon. friend had treated a vote of the House (in which some expression he had used relative to sir Elijah Impey had been disavowed and disapproved of) with levity and disrespect. This charge Mr. Francis affirmed was not true, and that there was not the smallest ground or pretence for it; that, on the contrary, when his right hon. friend mentioned this vote in Westminster-hall, he did it in terms of the greatest deference and respect, and with a most singular choice and propriety of language, for the truth of which Mr. Francis appealed to Mr. Fox.—Mr. Francis then observed, that gentlemen who laid such mighty stress on casual expressions, or other little circumstances not essential to the conduct of so heavy and so laborious a business as the impeachment, should have been particularly cautious in stating the facts with the utmost accuracy: and finally, that even if it had been true, that any inconsiderate or even passionate expression had escaped any of the managers which he was far from admitting it would be no objection to the vote of thanks then proposed. This vote expressed nothing but to thank the managers for their faithful management in their discharge of the trust reposed in them, and neither did nor could be supposed to bind the House to adopt every individual word used by the managers in their pleadings; and that therefore, unless it could be stated and proved, that their management had been unfaithful, which had not been attempted, nor even pretended, the House could not justly refuse their assent to the resolution as it stood proposed.

Mr. *Fox*, contrary to his intention, found himself obliged to say a few words. He disclaimed all separation between the rest of the managers and the right hon. member, so eminently qualified, not only by nature, but likewise by his particular study and attention, to be, as he was termed, their leader in this business, and with whom it was their boast and glory to be identified. As to the imputation of using harsh terms, he did not conceive that the managers were chosen for their capabilities in courtly phrases; and as to persisting to think the fate of Nundcomar a murder, if there was any blame in it, it was his, for it was he, and not Mr. Burke who had so expressed himself before the lords subsequent to the censure passed upon Mr. Burke by the House; and he was yet to learn how any vote of that, or any other House, however it might control his words or actions, was to shackle his thoughts or opinions.

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Mr. *Law* said, that it was unnecessary for him to say much more than to confirm the statement of his two hon. friends (Mr. Sumner and Mr. Wigley), which he did most completely; nor could he suppress his surprise and astonishment at the conduct of gentlemen of character, whose talents he revered, in attempting to excuse the leading manager, by asserting that, in some instances, his expressions had been misrepresented. Mr. Law solemnly affirmed that they were not: that the English language did not afford expressions more gross, violent, abusive and indecent, than those which the manager had used. If any passage in his speech could be called sublime and beautiful, it was at best but sublime and beautiful nonsense; at other times his expressions were so vulgar and illiberal, that the lowest blackguard in a bear-garden would have been ashamed to utter them. He was indeed surprised that the right hon. gentleman who spoke last should condescend to mix his character with that of the leading manager. He had been a constant attendant upon the trial, and he had often seen that right hon. gentleman exert his great abilities in support of the cause assigned to him, and as often excited in order to correct the follies and intemperance of the leading manager. Whatever his abilities might be, he was totally unfit to condnct a public trial. His violence, his passion, and his obstinacy were unconquerable; and as for his supposed information, he was really astonished that a man who had been 22 years employed in Indian inquiries, should still be so very ignorant of India. His prejudices had totally warped his judgment. The feeling of the public would not, and could not, be changed by a vote of that House. Many thousand persons of both sexes had heard the closing speech of the hon. manager, which had lasted nine days. His expressions could not be mistaken; and he was confident that if the minutes of the short-hand writers were called for, it would appear that the terms he used, instead of being less, were more illiberal, outrageous, and offensive, than his hon. friends had represented them to be. They were universally reprobated from the first characters amongst the numerous audience that had heard them, down to the messengers, door-keepers, and guards. In that House, gentlemen would not speak out; but he knew that they condemned the conduct of the leading manager as much as he did; but observed that he was not to be controlled, and that opposition only made him the more violent. Mr. Law said, the manager had treated the court as ill as he had done Mr. Hastings. To the truth of the various quotations, one excepted, which was of an old date, he bore the fullest testimony. The expressions were used in this year, and all of them within a month. The context in no instance could take away from the grossness or illiberality of the expressions. It was disgraceful to the House, and scandalous to the cause of justice, that the most atrocious libels should be uttered against gentlemen whose conduct was not in question, and who, consequently could not defend themselves. Amongst the gentlemen with whose characters the manager had made so free, there was one very old and intimate friend of his own, major Osborne, a gentleman of as fair and honourable a character as any in England, and a man who knew how to defend himself. It was highly unjust in the House, and highly impolitic to afford their sanction in the slightest degree to any of the abominable calumnies that were uttered. It involved them in injustice, inconsistency and absurdity. It degraded the national character most unjustly throughout Europe. Barrére in the National Convention had the other day detailed as fact, an infamous falsehood, which party malice had invented many years ago; he meant the accusation that the English were the authors of the dreadful famine that raged so fatally in Bengal in 1770. At that time he was in Bengal, and affirmed most solemnly that every exertion was made by the British government to lessen the shocking miseries which the people sustained, not from any mismanagement of the government, which was then in the hands of Mahomed Reza Cawn, but from a failure in the periodical rains: that every civil servant of the company, every British officer at every military station, and every Englishman throughout Bengal, exerted himself to alleviate the distresses of the people. The most liberal subscriptions were entered into, and every personal exertion used, to procure grain wherever it could be found; yet some modern historians had represented the English as the cause of that famine, and as insensible of the miseries it brought upon the people. In the same style of misrepresentation did the leading manager, in the first year of this trial, introduce a story which resounded through Europe, to the disgrace and

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scandal of this nation; he meant the story of Deby Sing. Mr. Law said, that on its being told, he affirmed that it could not be true. He knew that cruelty was no part of an Englishman's character in any country, and as little so in India as any part of the world. The leading manager had implicated a very intimate friend of his in the story of Deby Sing: he meant sir John Shore, whom the minister had selected to govern Bengal. He had described that gentleman as an accomplice in the crimes of Mr. Hastings, and had gone so far in folly as to remonstrate to the directors on their appointing him governor-general of Bengal. Mr. Law said, that when he heard the manager tell this story with so much confidence in Westminster-hall he was sure from his own knowledge of the country that the story could not be true; but his regard for sir John Shore, and his zeal for the honour of his country, induced him to sift the business to the bottom. He went most carefully through all those volumes which the manager had in his possession also, and he boldly challenged the most inventive malice of the most malicious man that ever existed, to affix blame either upon Mr. Hastings or sir John Shore for any concern they had in that transaction. The fact was shortly this: a district was rented for two years to a man of the name of Deby Sing, and let out again by him to under farmers. This man had been for years employed in the revenue line, and was much esteemed both by sir John Shore and Mr. Anderson.—The first year the rents were regularly paid; in the second there were complaints of great severities having been used in the collection of the revenue. The first and the only act done by Mr. Hastings throughout the whole business, was, to order Deby Sing to be removed, and that in so hasty a manner, as to expose himself to the charge of having acted with too much severity to him. A gentleman was deputed to receive the complaints of the natives, Mr. Paterson, of whom the world has heard so much, and who was so little pleased with the extravagant encomiums of the leading manager, that he has publicly disavowed them, and expressed concern that his reports should have been tortured into evidence against Mr. Hastings, who had no sort of concern in the business; but was most anxious to detect the enormities of Deby Sing, and to punish him. Mr. Paterson transmitted to Calcutta all the complaints he had received, and amongst them were statements of cruelties practised upon certain of the natives, too shocking to be repeated. These complaints arrived when Mr. Hastings was absent, and the board appointed a committee of the company's servants to sift this business to the bottom. The commissioners were sworn, and the examinations were taken upon oath. Their commission did not terminate until long after Mr. Hastings was in England; and the result of the fullest examination was, that the most dreadful of the cruelties charged never were committed at all, and that for such severities as were exercised, no possible blame could attach upon any English gentleman. Such was the true state of the case; and it was a disgrace to the House of Commons that the leading manager should have travelled out of his indictment, in order to utter his calumnies against sir John Shore, and the public servants employed in the revenue line.—Mr. Law lamented exceedingly that so superior a man as Mr. Fox, since he had accepted the office of a manager, had not condescended to examine and to judge for himself before he spoke. Had he ever himself looked into the history of Deby Sing, he never could have justified for a moment the conduct of the leading manager. Nor was this the only instance in which the leading manager had quitted the articles entrusted to him, in order to indulge the malignity of his own disposition. He had lately described Mr. Hastings as a man of low, vulgar, and obscure origin, whose occupations had been base, mean, and sordid. If it were of any consequence in this free country, and at this period, for a man to value himself upon the accidental circumstance of family, Mr. Hastings might have as fair grounds to boast of his family as any gentleman in the House. Such topics were ridiculous; but that from such a man as the manager a word should be uttered on the subject of low, mean, and obscure origin, was indeed most extraordinary; the manager, of all men living, ought to have avoided such a topic. Mr. Hastings the manager said, had been a fraudulent bullock contractor in 1761. This was downright calumny. Where was the charge voted by the House, or where the evidence, that entitled him to make such an assertion? Indeed, the manager, in his closing speech of nine days, wasted five of them upon points that had not the most

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distant relation to the cause entrusted to him by the House; and the more he considered his conduct, the more was he convinced, that from 1788 to this day, he had systematically, for some purpose or other, delayed the close of the trial to as late a period as he possibly could, to the abuse of public justice, at a most enormous expense to the nation, and to the manifest inconvenience of all ranks of people. Every thing he had done was for the purpose of delay. The House collectively had not attended, and therefore could not judge; but such gentlemen as had heard the manager examining witnesses, keeping some of them four days together, asking questions that had no relation to the points in issue, or putting the same questions over and over again, must be convinced that delay, and delay alone, was his object. No words could convey to gentlemen who had not heard his closing speech an adequate idea of it—it lasted nine days—two were employed in going through the Benares, and two in going over the Begum article: a most indecent proceeding, and a very poor compliment to the managers, who had well and ably performed their duties; a proceeding that could have no other effect than to weaken the force of their observations. Such was the universal remark. Another day was wasted in part by remarks on that article, which Mr. Fox had enforced by every argument that talents, eloquence, and ingenuity could bring forward. Though he differed in opinion with Mr. Fox, yet he must do him the justice to say, that all that man could do to support the cause he had done. But here again the leading manager must interfere; he must destroy as far as he could the effect produced by Mr. Fox's speech: he went over the ground again, until listlessness, fatigue, and disgust, were apparent in every countenance. The remaining four days were wasted by the manager upon points that had no sort of relation to the charge, improper at any time to have been agitated, but when dwelt upon in a speech in reply, which ought to be confined to remarks upon evidence before the court, in the highest degree indecent and irregular. Part of the time was wasted in reading papers that were not in evidence, and in blackening the characters of gentlemen who could not defend themselves. What, then, could the manager mean, but to scatter his calumnies as wide as he could, and to continue the trial to the latest possible moment? Mr. Law said, it was well known that he had no sort of connexion with Mr. Hastings, and that he had in India disapproved of some of his political measures; beyond this he had never gone, as an hon. member (Mr. Francis) well knew. On political subjects he had differed with Mr. Hastings; but never upon any one of the four points on which the impeachment rested. On those points he never had but one opinion; and he believed the mind of every fair and impartial man in the kingdom was made up as to Mr. Hastings. He was confident that Mr. Hastings in no one act of his public life had been warped by interested or by malicious motives. One good effect this trial would have—it would convince his countrymen how grossly they had been imposed upon, and they would be less liable to imposition in future. As he thought the conduct of the leading manager throughout the trial had entailed shame and disgrace upon the House of Commons, he should vote most heartily for the previous question.

Mr. *Anstruther* supported the conduct of Mr. Burke, and said, that though the leading manager originally had told the story of Deby Sing, yet it was Mr. Fox and himself who proposed to give evidence upon it, thinking they might make Mr. Hastings responsible for the acts of Deby Sing.

Mr. *Sheridan* defended Mr. Burke. He said, that if the question was merely whether the managers merited the thanks of the House or not, he should not vote on the occasion; but the motion for the previous question on the ground on which it was moved, changed its nature entirely, and he therefore should feel it his duty to remain in the House with those who opposed it.

The previous question being put, That that question be now put, the House divided:

Tellers.

Yeas	Chan. of the Exchequer The Lord Mulgrave -	55
Noes	Mr. Sumner - - - Mr. Wigley - - -	91

The main question being then put, the House again divided:

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Tellers.

Yeas	Mr. Pybus Mr. Wallace	50
Noes	Sir John Hadley D'Oyly Mr. Jekyll	21

So it was resolved in the affirmative, and Mr. Speaker gave the managers (they standing up severally in their places) the thanks of the House accordingly; as follows:

"Gentlemen;

"It is my duty to communicate to you the thanks of this House, for the manner in which you have discharged a most arduous trust, on an occasion highly interesting to the honour and justice of the nation.

"The subject, to which your attention has been directed, was intricate and extensive beyond example: you have proved, that it was well suited to your industry and eloquence, the exertions of which have conferred honour, not on yourselves only, but on this House, whose credit is intimately connected with your own. A forcible admonition has been given, on this occasion, to all persons in situations of national trust, that they can neither be removed by distance, nor sheltered by power, from the vigilance and authority of this House, which is possessed of no privilege more important, than that by which it is enabled to bring public delinquents to the bar of public justice, and thus to preserve, or rescue from dishonour, the British name and character.

"But in addressing you on this occasion, and in considering the beneficial consequences to be expected from this proceeding, it is impossible not to advert to the increased security, which the constitution has derived in the course of it, from the recognition and full confirmation of the principle, that an impeachment is not discontinued by a dissolution of parliament; a principle essential to the privileges of this House, and to the independent and effectual administration of public justice.

"Under these impressions, suggested by the nature and importance of your trust, and by the manner in which you have discharged it, I obey, with the utmost satisfaction, the commands of this House, by stating to you their Resolution.

"'That the Thanks of this House be 'given to the members who were appointed the managers of the impeachment against Warren Hastings, esq. 'for their faithful management in their 'discharge of the trust reposed in them.'"

Mr. *Pitt* moved, "That Mr. Speaker be desired to print the Speech made this day by him, in giving the Thanks of this House to the managers of the Impeachment against Warren Hastings, esq."

Mr. *Burke* said, that by the orders of the House, when the thanks were given, he and his brother managers were tongue-tyed, and had no means whereby to express their gratitude but by their submission to those orders. But he thought he should be wanting in gratitude if he did not, the moment the penalty of silence was removed, seize the first opportunity to express his own satisfaction, and that of his fellow managers, on the occasion. They had laboured to discharge their duty, they had completed the task, and they were paid by the thanks of that House, the first reward men could receive. Next to the thanks, he must notice the very dignified and elegant manner in which the Speaker had discharged that task, in which he consulted not only the grandeur and dignity of that House, but at the same time politeness and attention to them. Mr. Burke then entered into a short defence of the conduct of the impeachment. He assured the House, that no asperity of remark should provoke him to say a word; that prejudices arising from personal friendship, or from a sense of personal obligations, were too laudable for him to be discomposed at: he would only assure the House, that he had thrown no general reflections on the company's servants, having merely repeated what Mr. Hastings himself had said of the troops serving in Oude; and it would be found by referring to the 12th and 13th articles, that the House had marked their opinion of the officers serving in Oude, in the very terms that he had used; and as for the other expressions, they had been very much misrepresented.*

The motion was agreed to, *nem. con.*

Debate in the Commons on the Vote of Thanks to Lord Hood for the Expedition to Corsica.] June 20. Mr. Secretary *Dundas* rose to move the Thanks of that House

* This was the last day that Mr. Burke ever appeared in the House of Commons. The impeachment against Mr. Hastings having been brought to a conclusion, he immediately retired from parliament, by accepting the Chiltern Hundreds.

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to lord Hood. An hon. member when he had given his notice, had intimated an intention to oppose it; but as he had since had time for inquiry into the real merits of the case, he hoped that he would forego his intended opposition. He was not aware of the opposition to be offered, and therefore should content himself with moving "That the Thanks of the House be given to admiral lord Hood for the important service which he has rendered to this country by his able and gallant conduct in the expedition to Corsica."

Mr. *Sheridan* said, that he was not very hasty in forming his opinions, and therefore not likely to retract them without some reason. The right hon. gentleman had not stated any ground upon which he moved for the thanks to the noble admiral; but he supposed the fame of his victories, and the general approbation with which they were received by the public at large, had rendered any statement to the House superfluous. He sincerely regretted that he should feel it necessary to oppose the motion of thanks to the noble admiral, to whose gallant and able conduct, upon many other occasions, he was ready to bear testimony; but as thanks were the sole reward that the House had in its power to bestow, and were at the same time the most ample and most honourable reward any man could receive, due regard should be had to preserve its value and importance, and not to fritter it away by bestowing it upon trifling occasions, or on persons who had not really merited it. He did not think it probable that lord Howe, or sir John Jervis, or sir Charles Grey, could feel any envy at the thanks of that House being voted to a brother officer; but nevertheless, ministers seemed to act upon a principle of that kind, for they seemed to think that lord Hood might feel something like discontent or jealousy invade his breast, if he did not receive some token of public approbation, as well as those officers who had been deservedly so distinguished. That such was the case was pretty evident, because, neither on account of the capture of Toulon, nor on account of the memorable retreat from Toulon, nor on account of the capture of Fiorenzo, did ministers think of voting thanks to lord Hood: but now, when the thanks of the nation, grateful for the most essential services, was voted to lord Howe, they came with the little cock-boat of Bastia into the wake of lord Howe's fleet, and under his convoy, wished to steer it into the port of public approbation. The thanks were confined to the capture of Bastia, and no consideration was had to the whole of the conduct of the noble admiral. He had been sent into the Mediterranean with the best appointed fleet that ever sailed from the British shore; he had the assistance of the Spanish fleet; he had employed a whole year, and if the reduction of Corsica was his object, it had not been yet effected. He supposed the administration wished to draw a veil over the disgraceful actions at Toulon, in which the faith and honour of the British nation received an irreparable stroke through his lordship's conduct. He wished the noble lord was in his place, because it was painful to speak to the disadvantage of any gentleman in his absence; besides, it was very possible the noble lord might give such an explanation of his conduct, as would remove every imputation of blame from him. He in strong terms reprobated the offer of the constitution of 1789 to the people of Toulon, and the vain promise of protection given them. There was in the whole of the transaction of Toulon too much negociating, too much management, neither of which became the character of an English admiral. Upon the whole, though he felt himself bound to oppose this motion, yet he wished to do it in the least disrespectful manner to the noble admiral; and therefore he should move the previous question.

Mr. *Fox* said, his situation was peculiarly delicate in opposing the thanks of the House to the noble lord, as he had been engaged in political contests with him, and those of a nature the most likely to produce acrimony and ill-blood for the time; but every person who knew him, would do him the justice to say, that his conduct on the present occasion could not be influenced by any other motive than a zealous wish to discharge what he conceived to be his duty to the public. He had had the honour, upon a former occasion, to vote the thanks of that House to the noble lord, when he had acted in conjunction with lord Rodney in the West-Indies. His duty, however, called upon him at this time to vote for the previous question. He thought ministers ought to have stated precisely what it was they were about to thank the noble lord for: if it was the conquest of Corsica

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certainly the taking of Bastia did not complete that; and while any part of that enterprise remained uncompleted, it would have been as well to refrain from voting the thanks of that House. The thanks now moved, if they were any ways merited, ought to have been moved long before, because all that had been done by the noble lord was known and published long before the glorious victory of earl Howe took place. When Martinique was taken, no mention was made of thanks to the officers who commanded; and when other places of as much consequence as Bastia had been taken, Valenciennes and Condé, the illustrious general was not thanked. It could not be said that the duke of York was not thanked; from any consideration of his rank, because many of the royal family had been thanked by that House for public services, and felt themselves exalted by the honour. He was inclined to think that, in the whole of the business of that day, there was something rather of a political than military nature. He adverted to the transactions at Toulon, which he deemed as disgraceful as unfortunate. With regard to the importance of Bastia, as connected with Corsica, to which the questions at present entirely related, it did not to him appear to justify the present measure. He adverted to the capitulation, which did not tend to add any laurels to his success. With respect to the noble lord in question, he knew him to be possessed of great courage and skill, and capable of conducting the most difficult enterprises with honour to himself and advantage to his country; and he entertained that opinion of the gallant officer, that he was sure he would feel much dissatisfaction at being thanked for a service so comparatively small. He trusted the previous question would be carried.

After some farther conversation, the previous question was negatived without a division. The vote of thanks was then put and carried.

The King's Speech at the Close of the Session.] July 11. His Majesty put an end to the Session with the following Speech to both Houses:

"My Lords, and Gentlemen;

"The state of public business enables me now to close this session of parliament in doing which I have again to acknowledge that assiduity and zeal for the interests of my people, of which you had before given me so many proofs, and which have been so particularly manifested in the present year.

"I am persuaded that you entertain too just a sense of the nature and importance of the contest in which we are engaged, to suffer your zeal to be abated, or your perseverance shaken, by the recent successes of the enemy in the Netherlands.

"In a moment which so strongly calls for energy and vigor, it is peculiarly gratifying to me to reflect on the uniform skill and bravery of my fleets and armies, the undaunted spirit and unwearied exertions of my officers and troops in every situation, and the general public spirit of my people, which have never at any period been more conspicuous.

"I have observed with the highest satisfaction the rapid and valuable acquisitions made in the East and West-Indies, the successful operations, which have been carried on in the Mediterranean, and the brilliant and decisive victory obtained by my fleet under the command of earl Howe, an event which must ever be remembered as one of the most glorious in the naval history of this country.

"Gentlemen of the House of Commons,

"I return you my warmest thanks for the cheerfulness and liberality with which you have granted the large supplies which were necessary for the service of the year, and for the maintenance of a cause equally important to the security and happiness of every class of my subjects.

"My Lords, and Gentlemen,

"I feel it incumbent upon me particularly to acknowledge your diligence in the investigation of the designs which had been formed against the government and constitution of these kingdoms, and to thank you for the confidence you have reposed in me on this occasion. It will be a principal object of my attention to make a vigorous and prudent use of the additional powers vested in me for the protection and security of my people; and relying, as I do, with the utmost confidence on the uniform loyalty and public spirit of the great body of my subjects I have no doubt of speedily and effectually repressing every attempt to disturb the public peace, and of defeating the wicked designs which have been in agitation.

"It must not, however, be forgotten, that these designs against our domestic happiness are essentially connected with the system now prevailing in France, of

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which the principles and spirit are irreconcileably hostile to all regular and established government: and that we are therefore called upon by every consideration of our own internal safety to continue our efforts in conjunction with my allies, and to persevere with increased vigour and exertion in a contest, from the successful termination of which we can alone expect to establish on a solid and permanent foundation the future security and tranquillity either of this country, or of the other nations of Europe."

Then the lord chancellor, by his majesty's command, prorogued the parliament to the 19th of August. It was afterwards farther prorogued to the 30th of December.

FIFTH SESSION
OF THE
SEVENTEENTH PARLIAMENT
OF
GREAT BRITAIN.

*The King's Speech on Opening the Session.**] December 30. 1794. His Majesty opened the session with the following Speech to both Houses:—

"My Lords and Gentlemen;

"After the uniform experience which I have had of your zealous regard for the interests of my people, it is a great satisfaction to me to recur to your advice and assistance, at a period which calls for the full exertion of your energy and wisdom.

"Notwithstanding the disappointments and reverses which we have experienced in the course of the last campaign, I retain a firm conviction of the necessity of persisting in a vigorous prosecution of the just and necessary war in which we are engaged.

"You will, I am confident, agree with me, that it is only from firmness and perseverance that we can hope for the restoration of peace on safe and honourable grounds, and for the preservation and permanent security of our dearest interests.

"In considering the situation of our enemies, you will not fail to observe, that the efforts which have led to their successes, and the unexampled means by which alone those efforts could have been supported, have produced, amongst themselves, the pernicious effects which were to be expected; and that every thing which has passed in the interior of the country, has shown the progressive and rapid decay of their resources, and the instability of every part of that violent and unnatural system, which is equally ruinous to France, and incompatible with the tranquillity of other nations.

"The States General of the United Provinces have nevertheless been led, by a sense of present difficulties, to enter into negociations for peace with the party now prevailing in that unhappy country. No established government, or independent state can, under the present circumstances, derive real security from such negociations: on our part, they could not be attempted without sacrificing both our honour and safety to an enemy whose chief animosity is avowedly directed against these kingdoms.

"I have therefore continued to use the most effectual means for the further augmentation of my forces; and I shall omit no opportunity of concerting the operations of the next campaign with such of the powers of Europe as are impressed with the same sense of the necessity of vigour and exertion. I place the fullest reliance on the valour of my forces, and on the affection and public spirit of my people, in whose behalf I am contending, and whose safety and happiness are the objects of my constant solicitude.

"The local importance of Corsica, and the spirited efforts of its inhabitants to deliver themselves from the yoke of France, determined me not to withhold the protection which they sought for: and I have since accepted of the crown and sovereignty of that country, according to an instrument, a copy of which I have directed to be laid before you.

"I am happy to inform you, that I have concluded a treaty of amity, commerce, and navigation, with the United States of America, in which it has been

*Previous to the meeting of parliament several changes in the administration had taken place. In July earl Fitzwilliam was appointed lord president of the council, earl Spencer lord privy seal, the duke of Portland third secretary of state, and Mr. Windham secretary at war. Before the close of the year earl Fitzwilliam was appointed lord lieutenant of Ireland, and David earl of Mansfield (late lord Stormont) succeeded to the presidency of the council. Earl Spencer was placed at the head of the admiralty, and the earl of Chatham was made lord privy seal.

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my object to remove, as far as possible, all grounds of jealousy and misunderstanding, and to improve an intercourse beneficial to both countries. As soon as the ratifications shall have been exchanged, I will direct a copy of this treaty to be laid before you, in order that you may consider of the propriety of making such provisions as may appear necessary for carrying it into effect.

"I have the greatest satisfaction in announcing to you the happy event of the conclusion of a treaty for the marriage of my son the prince of Wales, with the princess Caroline, daughter of the duke of Brunswick: the constant proofs of your affection for my person and family persuade me, that you will participate in the sentiments I feel on an occasion so interesting to my domestic happiness, and that you will enable me to make provision for such an establishment, as you may think suitable to the rank and dignity of the heir apparent to the crown of these kingdoms.

"Gentlemen of the House of Commons;

"The considerations which prove the necessity of a vigorous prosecution of the war will, I doubt not, induce you to make a timely and ample provision for the several branches of the public service, the estimates for which I have directed to be laid before you. While I regret the necessity of large additional burdens on my subjects, it is a just consolation and satisfaction to me to observe the state of our credit, commerce, and resources, which is the natural result of the continued exertions of industry under the protection of a free and well regulated government.

"My Lords and Gentlemen;

"A just sense of the blessings now so long enjoyed by this country will, I am persuaded, encourage you to make every effort, which can enable you to transmit those blessings unimpaired to your posterity.—I entertain a confident hope that, under the protection of Providence, and with constancy and perseverance on our part, the principles of social order, morality, and religion, will ultimately be successful; and that my faithful people will find their present exertions and sacrifices rewarded by the secure and permanent enjoyment of tranquillity at home, and by the deliverance of Europe from the greatest danger with which it has been threatened since the establishment of civilized society."

His majesty then withdrew.

Debate in the Lords on the Address of Thanks.] His majesty's Speech having been read,

Earl *Camden* rose to move an Address of Thanks to his majesty for his most gracious Speech. The present, he said, had been thought by many to be a time of alarm; by some it had been magnified into a time of danger; but by all it was allowed to be a time of importance. Without feeling any part of that alarm, with which some of his majesty's subjects were impressed, or apprehending that danger which others imagined, he was ready to agree that the period was critical, and under that impulse it was that he offered an Address, to which he flattered himself he should have their lordships general concurrence.—There was one topic, upon which he was convinced there could be but one sentiment. He alluded to the approaching union of the prince of Wales with the princess Caroline of Brunswick. So essential were the blessings that we experienced under the mild government of the house of Hanover, that there was not, he was persuaded, one man in the country, who would not join heartily in congratulating his majesty on an event that promised to continue his royal line, and to give the kingdom assurance of future sovereigns, beneficent and amiable as the prince who at present dignified the throne with his virtues.—The earl expressed his satisfaction at hearing that the American treaty was so near its conclusion, as the policy of preserving amity with the United States must be obvious to all. He felt the fullest conviction of the necessity of prosecuting the war with the utmost energy. The last campaign, it was true, had been attended with reverses; but he saw no reason to infer, that therefore it was either wise or prudent to think of peace in such a moment. No Englishman, would, he trusted, condescend to humble himself at the foot of an imperious foe, elated with success, and mad with victory: nor could any peace be concluded under such circumstances, that was safe or honourable. Supposing that we were so sunk in spirit, as to bend the knee to the French republic, could any man think that a peace concluded under such humiliating circumstances, would have the smallest chance of permanency? Admitting, for the sake of argument, that peace were within our reach, who would advise us to disarm and receive the French into our country? We knew their principles;

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their conduct, wherever they had gained a footing, taught us to dread the contagion of such principles.—With regard to the situation of France as compared with this country in point of resource, it was easy to show, that while we were in a state of almost unexampled prosperity, the resources of France were nearly exhausted. The law for enforcing the circulation of assignats, and the law of the maximum, they had found themselves obliged to abandon. The consequence was, that assignats had found their level: they were now at 75 per cent. discount. At the same time that the French circulation was thus lowered, the expense of the government was enormous, and the price of provisions of every kind had risen to such an extravagant height as to be beyond the reach of ordinary purchase. The system of terror, which had been maintained under the late leaders of the convention, was at an end, and the guillotine was no longer in perpetual exercise. Their councils had ceased to manifest their former vigour. Instead of the committee of public safety, which had been permanent, and which had shown so much energy, there was now a council who were changed every month. Happy, indeed, was the picture which this country presented, our situation being in every respect the reverse of that of our enemies. Our own national force, both by sea and land, was the largest that Great Britain had ever known. Nor were we destitute of allies. We had every reason to hope for assistance from Austria; and although, from a sense of present difficulty, the States General had thought proper to enter into a negociation with France, possibly their withdrawing themselves from the contest might not prove disadvantageous to this country, as it would restore a large portion of our forces, and enable us to employ them more usefully in other services. In short, the Dutch had afforded but an uncertain and inauspicious aid to the common cause; and their secession under such circumstances was less to be regretted, than it would have been had their zeal in the progress of the war kept pace with our own.—The state of our revenue was most flourishing. The public income this year fell but little short of its amount in the last; and, as a proof of the enviable state of the national credit, he might instance the facility with which an immense loan had been negociated in the city.—From this comparative state of the resources of Great Britain and France, the inference that naturally presented itself was, that this was not the fit moment for making peace. Those who were the most pressing for peace must of necessity wait till something more like harmony was established in France, and the government had assumed more permanency than had hitherto belonged to it. The menaces and insults to this country, with which France had begun the war, she had not yet thought proper to retract. The spirit of the people of England, he was satisfied, was too high to allow them to crouch to an insulting and a successful foe. The voice of the people of England must be heard, whenever it was constitutionally given: the cause was in their hands; and he was satisfied they would sooner spend their last shilling, and shed the last drop of their blood, than suffer a constitution, under which they daily enjoyed such innumerable blessings, to be destroyed.—The noble earl then moved the following Address:

"Most Gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your majesty our humble thanks for your majesty's most gracious Speech from the throne.

"We eagerly embrace the first opportunity of laying before your majesty our dutiful and respectful congratulations on the auspicious event of the conclusion of the treaty for the marriage of his royal highness the Prince of Wales with the Princess Caroline of Brunswick. While we partake in the gratification which must arise to your majesty on an occasion so interesting to your majesty's domestic happiness, and to that of the illustrious and amiable prince whose virtues are so justly dear to us, we look forward, with the utmost satisfaction, to the hope that, in a long and uninterrupted line of descent, this country may continue to enjoy the blessings which it has experienced under your majesty's paternal government, and under the auspicious reigns of the sovereigns of the House of Brunswick.

"We beg leave to assure your majesty, that we shall with the utmost cheerfulness concur in enabling your majesty to make provision for such an establishment as may be suitable to the rank and dignity of the heir apparent of these kingdoms.

"Permit us to assure your majesty,

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that, notwithstanding the disappointments and reverses of the last campaign, we concur with your majesty in a firm conviction of the necessity of persisting in a vigorous prosecution of the present just and necessary war; being persuaded that the attainment of a just and honourable peace, and the preservation and permanent security of all our dearest interests, are only to be hoped for from firmness and perseverance: that, impressed with these sentiments, we derive additional encouragement from observing that the measures adopted by our enemies have produced amongst themselves the pernicious effects which were to be expected from them; and that every thing which has passed in that country has manifested the rapid decay of their resources, and the instability of every part of that violent and unnatural system, which is equally ruinous to France, and incompatible with the tranquillity of other states.

"Whatever may be the issue of the negociations into which the United Provinces have been induced to enter, we are persuaded that no established government or independent state can, under the present circumstances, derive real security from such negociations; and that, on our part, they could not be attempted, without the sacrifice of our honour and safety to an enemy whose chief animosity is directed against these kingdoms. In this state of affairs, we are sensible of the necessity of your majesty's having continued to use effectual means for the further augmentation of your forces; and we rely on your majesty's omitting no opportunity of concerting the operations of the next campaign with such of the powers of Europe as are impressed with the same sense of the necessity of vigour and exertion; and we trust that the valour of your majesty's forces, and the public spirit of the British nation, will enable your majesty to provide effectually for the interests and safety of your faithful people, in whose behalf your majesty is now contending, and for whose happiness your majesty has ever shown the most paternal care and solicitude.

"We return your majesty our grateful thanks for the communication which your majesty has been pleased to direct to be made to us of the instrument by which your majesty has accepted the crown and sovereignty of Corsica; fully sensible that the local importance of that island, and the spirited efforts of its inhabitants to deliver themselves from the yoke of France, have justly determined your majesty not to withhold the protection which they sought for.

"We beg leave to express to your majesty our satisfaction in learning that a treaty of amity, commerce, and navigation, has been concluded between your majesty and the United States of America; and to assure your majesty, that we shall willingly concur in such measures as may best tend to remove the grounds of jealousy and misunderstanding, and to improve an intercourse beneficial to both countries.

"We entreat your majesty to be persuaded, that a just sense of the blessings we have now so long enjoyed will animate us to every effort which can enable us to transmit those blessings unimpaired to our posterity: and that it is our earnest and confident hope that, under the protection of the Divine Providence, and with constaney and perseverance on our part, the principles of social order, morality, and religion, will ultimately be successful; and that your majesty's faithful people may find their present exertions and sacrifices rewarded by the secure and permanent enjoyment of tranquillity at home, and by the deliverance of Europe from the greatest danger with which it has been threatened since the establishment of civilized society."

The Earl of *Besborough* rose to second the Address. With respect to the first paragraph, every man must unite heartily in congratulating his majesty on the approaching marriage of the prince of Wales, and in making such provision as may be necessary to support the dignity and splendor of the heir apparent. As to the war, we had no choice but by vigorous exertions, to make our enemies see that we were able to defend ourselves, and that it was for their interest to be at peace with us. To make a declaration that we wished for peace, would not tend to attain it, unless their lordships were prepared to say that they would put up with any peace. Our resources enable us to continue the contest. It was our duty, therefore, to persevere in this just and necessary war; the object of which was, not to interfere with the internal government of France, but to obtain for ourselves permanent security by a safe and honourable peace.

The Earl of *Guilford* said, he knew of no possible motive that any honest man of common sense could have for agreeing

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to the proposed address, except upon the destructive idea of blind confidence in ministers. From those who had hitherto placed in those ministers the confidence to which he alluded, he would ask, what was their present claim to a continuance of it? Nothing, but a total and complete failure in all their transactions, foreign and domestic, military or diplomatic. In the whole of the address, except the part which he would come to soon, there was not a sentence that did not loudly call for opposition from that House, except it was their wish to give themselves entirely up to the misguidance of those ministers, who had brought us into our present disastrous situation. The communication respecting the marriage of the prince of Wales, must give the most heartfelt joy to all who were sensible of the many substantial blessings which this country enjoyed under the mild government of the House of Hanover; and if any thing were wanting to make their happiness more complete, it would be amply made up by the amiable virtues of the illustrious prince, whose future happiness was so much connected with this fortunate alliance.—He thought, before noble lords could assent to the language of the Speech and the Address, they must be satisfied on three distinct points, first, the wisdom of entering into the war, secondly, the necessity of carrying it on; and lastly, the policy of trusting the conduct of it to those who had, by the uniform disaster that followed their counsels, brought us to our present calamitous situation. He denied the wisdom of entering into the war, the necessity of persevering in it, and the prudence with which it had been conducted. He would put it to the House to say, whether we were now in as prosperous a situation as when we began the war? Certainly, we were not. The noble mover seemed to lay much stress upon what he stated to be the situation of France. With regard to resources, he thought it equally became that House and the public, to consider the relative situation of this country now to what it was before. But allowing the necessity of continuing the war, he would ask, were the people of this country of the same mind that they were at the outset of it, in the full expectation of success, and possessing a sort of mad propensity for war, by whatever means it was created? The noble earl had said, that this period of disappointment and reverse, was not the time to sue for peace. What a pity it was, then, that he did not give his advice to his friends in office, when our situation wore a very different aspect! What consolation he would ask, did the language of the speech and address hold out to the country? Shortly this: that after all we had lost in men and money, the prospect of peace while the system of ministers was persevered in was still at as great a distance as ever.—He now came to take notice of the treaties or gratuitous engagements, which this country had entered into with other powers, and which had proved not to be made so much for the sake of getting allies to assist us, as to pay others to allow us to become their friends in the contest against France. From the pernicious tendency of those treaties, he trusted parliament would never consider them as of such obligation as to present any obstacle to the attainment of peace, if it could be had. They had been framed to serve the interested and ambitious purposes of ministers, and were, no doubt advantageous to them, however detrimental to the state, for by those we were bound not to make peace without the consent of all parties, and this tended to prolong the duration of a war, upon which it was clear that the continuance of the ministers in their present situations, entirely depended. It might be for the interest of Austria, that such treaties were entered into, but had we no other interests to look to? How was Holland to be saved but by negociating a peace? And would it not become us to consult upon the best possible terms of concluding that peace for her which was so intimately connected with our own safety? In his mind, no sacrifices that we had to make would be too great since it was notorious that but for our interference, Holland might have remained neutral. On the subject of Corsica, he saw nothing to congratulate the country; and trusted that neither the giving up of that, nor any other territory that chose to put itself under the dominion of Great Britain, would be any impediment to peace. There might be some objections stated to an immediate peace; but if the war was to be carried on, ministers ought to carry it on like statesmen to prevent the overgrowing power and ambition of a great and dangerous rival; and not, like foolish children, quarrelling about trifles, with which we had no right to interfere. He would insist on the im-

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practicability of carrying on the war, if either conquering France, or dictating a government to her was the object of ministers. Before either of these could be accomplished, one of two things must happen, both of which were equally improbable—that we should march to Paris, or that the people of France should become so disgusted with the revolutionary government that they would destroy the convention. It was but a poor consolation to Englishmen, to tell them, that though their resources were nearly exhausted, the enemy was in a worse situation; but even this was only an assertion nor was there any thing to support the fact, but the exploded authority of ministers.—He could not sit down without adverting to the conduct of ministers at home, where, by exaggerated alarms, they had made parliament the vehicle for circulating stories of imaginary plots and visionary treasons, by which the country was placed in a situation, where no individual was safe in his person or property. He then concluded with moving, That after the third paragraph in the Address, the following Amendment be adopted: "To state to his majesty the determination of this House, to support his majesty in the measures necessary to maintain the honour and independence of the crown, and to provide for the defence and safety of the nation: but at the same time to advise his majesty to take the earliest means of concluding a peace with the French nation, on such terms as it may be reasonable and prudent to insist on. That whenever such terms can be obtained, we trust that no obstacle to the acceptance of them will arise from any considerations respecting the forms and nature of the government which may prevail in France."

The Earl of *Morton* expressed himself exceedingly hurt at the idea of this country stooping to sue for peace. He spurned at their lordships acquiescence in a proposal so humiliating to the spirit and pride of Englishmen. He reminded their lordships, that all our efforts had not been unsuccessful; that our resources were still great; that the cause of the war continued to be both just and necessary; and that the country were still willing to prosecute it with promptitude and alacrity.

The Earl of *Kinnoul* said, he had heard nothing against the address, or the farther prosecution of the war, but unfounded assertions. The same reasons which induced him to vote for a similar measure last year, recurred to his mind with redoubled force on this. No one had ventured to propose with whom there was the least possibility of treating on grounds either honourable or secure. He therefore begged to see the practicability of what the amendment stated fairly made out, and until it was, he should be for continuing the war, as the only likely means of bringing the enemy to terms

The Earl of *Derby* asked, what was the ostensible cause of the war last year? The safety of the Dutch, and to prevent the navigation of the Scheldt. Of neither did the Speech of this year take the least notice. The noble mover of the Address had observed, that if the Dutch effected their object of a peace, our army now in Holland might be let loose, to be employed on more important services. This was language as surprising as it was new: since the preservation of Holland had been uniformly represented as the most important service on which our troops could be employed. He ridiculed the idea that the French would be compelled to treat from the state of their finances. He had conversed with many distinguished officers, and all of them agreed in asserting the superior manner in which the enemy had been found prepared and equipped for action. On what grounds did this assertion of French weakness now rest? Could it be traced in the evacuation of Flanders; in the victories in Spain; in the captures of Maestricht and Nimeguen; or, above all, in the letter which had been published so lately from the illustrious prince who then commanded our army? This letter gave the lie most directly to any idea of this sort; for, in the most emphatic language, it showed both the numbers and enthusiastic ardour of this exhausted nation. With respect to the augmentation of the forces against the next campaign, it might be necessary and proper! but was it practicable? A noble earl had boasted, that we had at present the largest army ever raised in this kingdom, and that the greatest part of it could be employed in any quarter of the globe. If the first part of this assertion was founded in fact, the natural inference to be drawn from it was, a most serious reflection upon the difficulty attending any farther augmentation. It was well known that the country was drained of men, to such a degree, that many of the new corps consisted chiefly of old men, nearly past ser-

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vice, and children, who, unless the war continued some years, could be of no sort of service: that even for such stuff as this it was well known, that twenty-five guineas had been given. By this enormous bounty, men might be tempted to leave their looms, and other occupations of industrious labour; but was this to be wished? Would not the loss of the manufacturer and mechanic be most severely felt in the decrease of that trade and commerce which alone enabled us to contend with the dangers and difficulties which surrounded us? But the most alarming part of the business was the difficulty of getting landsmen for the navy service; for whilst such great sums were given for the army, it was not to be supposed men would, for comparatively nothing, enrol themselves in this other service, so essential to the safety and honour of the country: in former wars, this was not the case; landsmen were always found; but now it was otherwise; and this, too, at a moment, when, if report said true, the French fleet, which was supposed almost annihilated, was blocking up the chops of the channel, and intercepting both our outward and home-ward bound trade. Here his lordship adverted to the capture of Corsica. He deplored the expense and inconvenience it would bring upon the country, and denied it would answer any of the purposes held out. The greatest use to which this boasted territory could be applied was, to afford ministers an apology for increasing their dependants and extending that patronage which was already so enormous. But it was asked, would you crouch for peace, and by so doing, make to all the world, a humiliating confession of weakness? Nothing of this sort could be imputed to the present amendment; neither he, nor any of those with whom he had the honour to act, had ever thought of a peace, but upon terms of safety, advantage and honour to the country. All these things disposed him to accede to the amendment.

Earl *Spencer* said, that he admitted that the enemy had made most extraordinary efforts, and had carried on the war with a degree of unexampled vigour and exertion. Their resources had hitherto enabled them to do wonders; but he thought, as it was utterly impossible that they should be enabled to go on in the same manner, it was more than ever necessary for us to persevere in the war with unremitting assiduity. Some allusions had been made to the department over which he had the honour to be placed. Having so recently come into that situation, he felt that what he said officially, must be delivered under delicate and rather awkward circumstances. He had every reason to hope that next year we should have the most formidable marine this country had ever sent to sea. He admitted, that the active efforts for recruiting the army, had somewhat cramped and embarrassed the manning of the navy. But if the country would consent to make extraordinary exertions, he had not the smallest doubt but that the object could be attained. He declared he was satisfied that the rumours of the superiority of the French in the West Indies were unfounded, as he had every reason to believe that we had at this time a force in that quarter superior to that of the enemy. With regard to the French fleet appearing so formidable in the channel, he could not speak with certainty on that point, government had received some information respecting it, and had thought it necessary to take measures to prevent the danger, of which, perhaps, a premature alarm had been taken. A noble earl had stated the acquisition of Corsica to be a disaster, rather than an advantage to this country, and at the same time had alluded to the navy of England; it was astonishing, that, having the latter topic in his contemplation, he could overlook the obvious benefits that must result to great Britain from the capture of Corsica. The noble earl had described it as almost inaccessible with respect to its harbours. Was it nothing then, to have possession of a port in the Mediterranean capable of receiving a large fleet? Nothing should be wanting on his part to render the English navy respectable. The country were in possession of the means and he would endeavour to make the best use of them he could.

Marquis *Townshend* said, it was not possible in his opinion, to put an end to the war at present, without incurring national dishonour. Peace must be desirable to every man, and when it could be made with safety, he should press for its speedy conclusion; but, under existing circumstances, it was not, in his humble opinion, wise to urge ministers to attempt a negociation, which could neither be carried on with advantage nor concluded under such conditions as it became Great Britain to accede to.

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Lord *Boringdon* praised in the highest terms the determination to support the laws, the liberties, and the religion of the country which had manifested itself amongst every class of the people. He rejoiced in the present temper of the nation, inasmuch as it proved, that England was determined never to submit to any plan of immoderate or dangerous aggrandizement on the part of France; and was calculated to demonstrate to Europe and to the world, that if we were insulted, we would punish the insult. It was from a thorough conviction that the assurances contained in the address, were best calculated to obtain a substantial and honourable peace, that he should give it is support.

The Marquis of *Lansdown* said, that, dreadful as the situation of the country was, it was some consolation to him, that he had done every thing in his power to prevent it. It was no small satisfaction to him to recollect that, at the very commencement of it, in the early part of 1793, he had entered a protest* on their lordships journals, in which he had predicted all the disasters that had happened; and that by the motion he had made last year, he had endeavoured to prevail on their lordships to interpose their authority, and check the mad career which ministers were running. His endeavours had been fruitless, the tide of popularity was against him, and what he should ever feel with sincere pain and heartfelt regret, he feared the arguments he used and the facts that he stated, had excited the displeasure and distrust of their lordships themselves. But he knew at the moment, that ample justice would one day or other be done to him, and to those noble lords who had voted with him and he was sure that the time was not far distant. Indeed, it was astonishing to his mind, that it ever should have been imagined, that any thing but a sense of public duty and public danger could have collected and united a set of noble lords, not in habits of intimacy, not having the same views, nor at all likely to have come forward and join in opposing the measures of ministers, under any other circumstances, than the very extraordinary ones that had marked the conduct of government for the last two or three years. How idle to suppose that men with so much at stake, would come forward and risk the ruin of themselves and their families, by opposing a war, which had been delusively held out by ministers as the only means to secure and preserve the liberties and property of the country! He wished to know where it was that they were now to look for safety, but in peace. Let their lordships examine facts. They had been too long the dupes of declamation, of fine words, of flattery, and pompous and polished periods, of splendid sounds which meant nothing. It was not enough to be told that this was the first country in the world—that our means were without end, and our resources inexhaustible. They must submit to a rigorous examination of the objects in view, and the means that they had to accomplish them. He had himself endeavoured to search the subject to the bottom, and to look at it in every possible aspect; but the result of his investigation was neither soothing nor satisfactory. If we turned our eyes to the military transactions of the war, did they reflect any thing that could afford comfort, or dispel for a single moment the melancholy gloom that surrounded? It had been said, that we had raised the finest army that ever was seen in any war. If this were true, what a libel was it upon ministers! What became of these armies? They were to be seen no where; they were gone to God, and were no longer to be found among men. They had been squandered, sent here and there without plan, without co-operation or principle, and were at this moment almost extinguished. Look at every corner of the earth where our arms were to be found, and see the situation in which we were left. In the West Indies, the situation was too melancholy to reflect on it. Guadaloupe was known to be lost; the two great officers, by whose unparalleled efforts we had been so successful, were in themselves hosts; but abandoned as they had been, it was impossible for them to do every thing. But it was not here only that there had been neglect; even Corsica the favourite child of ministers had been abandoned, and was at this moment in a most perilous situation. Though 100,000 men had been raised and sent about here and there we had been effective no where. And how were our armies recruited? By old men and boys! We had no other recruits. Our officers were children: our grenadiers invalids. We had an enormous army without force, and which melted away and became crippled, owing to the miserable principle upon which it

* See Vol. 30, p. 334, and 1391.

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was raised. On every side we saw boys in uniform, who had just quitted their Ovid's Metamorphoses, and were astonished to see themselves metamorphosed into captains and colonels. Comparisons it was said were odious; but common sense required that we should compare the figure that we had made in the last campaign with that which the French republic had made. He held in his hand a summary of the last campaign of the French as stated by themselves. It was as follows:—"23 sieges successfully conducted; 6 pitched battles decisively won; 2,803 pieces of cannon taken; 60,000 of the best troops of Europe compelled to surrender prisoners of war, either by capitulation or in the field; 144 towns and cities captured, among them many of the strongest fortresses in Europe."

And this was independent of their late victories in Spain; which at this moment lay almost at their mercy. If the French had been so terrible when they had to combat with all the world, would they be less so when they shall have made a treaty with Holland, by which they would, under the aspect of neutrality, receive all manner of supplies through her active commercial spirit? Would they be less formidable, when Spain should be obliged to yield to them upon any conditions? Would they be less formidable, when they should have over-run Italy? Were they rendered less likely to make head against us by the wonders they had performed on the banks of the Rhine? When noble lords seriously entered into the consideration of the comparative situation of the two countries, it was monstrous to hear it asserted, that we might still hope to subdue the French by military force. The news brought that day was an additional argument against any such idea; he hoped to God it was not true! The frost was set in so as in all likelihood to make the Waal passable; and it was said, that the bridge at Arnheim had been carried away by the floating ice. If the fact were so, our unhappy cavalry, and the army there, would be exposed to the utmost hazard. Under such circumstances, it was not very likely that the negociation with Holland would go off. Let their lordships look a little farther, and in the diet of the empire they would see that a great majority was for negociating with France. So that the elector of Hanover, left in a feeble majority, was distinguished for nothing but his violence in the system of war. Was it probable, after the sense of Germany had been so expressed, that they would cordially co-operate against the enemy? Had we been more successful in negociating with our allies? Had we succeeded in uniting Prussia and Austria? Those two powers, it was well known, could not trust each other. Prussia never had been, in truth, the enemy of France; and he could not be so. Those two powers, from situation and circumstance, necessarily rivals, looked only to their private interests; and who could blame them? They each regarded their country with becoming feelings; they were not their own enemies; and, not having a parliament to stand between them and the people, their ministers were more careful of the advice which they gave to their masters, as the consequences must fall on their own heads. With these sentiments, it was not to be wondered that, however they had been brought to commence the unnatural league, they had never been serious and cordial friends in the contest; and indeed it would not be difficult to prove, that Prussia, who could only look for support from France against the power of his rival, had never seriously been the enemy of France, the dismemberment of which would have been so fatal to himself.—Another and amost important point of view in which this political question was to be considered, was the resources. It was certainly pleasant to hear of 24 millions being raised in a morning; but 24 millions added year after year, would of itself generate difficulty, notwithstanding the extravagant argument, that the larger the national debt, the greater the national wealth and powers of finance. He did not mean to cry down public credit; it was in the nature of credit to do wonders while it lasted. They all knew that a merchant of 30,000*l.* capital, could have more credit than a nobleman of an hereditary fortune to the same amount. He might circulate his paper for 5 or 600,000*l.* and go on in that way for some time; but it was not unusual for the bubble to burst. He would not enter into the discussion of the wild theories about the nature of credit, by which they strove to delude themselves; they had originated in France under its old system, and yet France had not been saved. The truth was, we might go on in the same blind path without perceiving our danger, until we fell into the abyss to which it

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led.—And what were the objections to treating with the French for peace? The first was too contemptible for a serious answer,—With whom could we treat in France? It was a question unworthy even of a German diet. We certainly could find persons to treat with, if we had a disposition to seek them. France, with all its changes of parties, and in the midst of its most violent commotions, had not since the Revolution falsified its engagements with any one foreign state. The next reason that had been urged against treating was, the necessity and importance of preserving what had been termed our invaluable conquests. As to those invaluable conquests, one part of them, those in the West-Indies, he was afraid, was likely not to stand in our way. His chief dependence on the safety of Martinique and the others rested on the accidental circumstance of sir Charles Grey's continuance there to protect them. As to Corsica, our other great and "invaluable" conquest—the favourite of ministers, and according to their description a jewel that added lustre to the British crown—he would state to their lordships the account which M. Neckar had given of that "rich" island; he would also read the account which another person of great eminence as a literary character had given of it, though, alas! he was a democrat; it was just possible, however, for a democrat to be a man of sense and integrity. The person he alluded to was the celebrated M. Volney. M. Neckar's account of Corsica is, "that it contains 450 square leagues; 124,000 souls: 550,000 livres was the whole of the revenue, and 250,000 ducats were paid by the king exclusive of troops and military expenses, in addition to its own revenue." M. Volney's account was still more curious: "It was quite in a savage state. The power in the hands of poor, greedy, ignorant heads of families. A system of mystery, concerted between them and the French, employed there to conceal and misrepresent every thing, lest the French should be disgusted and abandon the possession. The French expenditure independent of extraordinaries, was above ten times the revenues, which do not amount to 300,000 livres, which were three years in arrear, and diminished a third by the council in 1790. The custom-house does not do more than pay the officers. There were two attornies general; two directors general, not one bookseller, not a printing-press, except one belonging to government. The communications with the continent were so subject to interruption, as to prevent any for two months together. Voters attend the elections with swords, pistols, stilettos, &c." The next thing, he was afraid, their lordships would not comprehend: "Votes are sold, and the price ascertained like merchandise. Their assembly of 400 persons, was led by eight or ten chiefs, who form between themselves aristocratic leagues, who give and take reciprocally pensions and places, quarrel and make it up—"avec un mobilité et inconstance incroyable." But the liberty of the many, and French money, pays the expense of the whole. There was no industry, not so much as a match to light a fire, which is not brought from Genoa or Leghorn. The country uninhabitable for want of safety. The farmers go to the plough armed. The culture sacrificed to beasts. A decided preference for France; but so incalculable is the Corsican nation, arrange every thing to-day, you will in a short moment find all that you have done amounts to nothing more than paying a military force, which will never be complete, will cost immensely without ever going out of the island, and will cease to be labourers, without ever becoming soldiers." Such was the "invaluable" island of Corsica! If it had not been for this idle enterprise, we might have had the finest fleet that this country ever saw; we might have protected our commerce, guarded our coasts, given confidence to industry, and, instead of the abominable attempt to starve the French by intercepting their corn, we might have done what was consistent with legitimate war, intercepted their naval stores, we might have saved the effusion of so much human blood. But then undoubtedly, we should not have been able to have added half a dozen sinecures to the influence of the crown, to be parcelled out among the men who were alarmed for the existence of the constitution. He was not one of those who were of opinion that France would not treat with his majesty's present ministers. Let them show an inclination for peace, and he had no doubt France would manifest the same: the task might, possibly, be managed with greater ease by other men and other men might be able to obtain better terms; but still ministers were competent, in his opinion, to close the breach they had so

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unfortunately opened, and continued to widen from the commencement of the war; they owed it to their fellow-subjects to heal the wound they had made, and restore the country to peace. It was generally imagined, that no man opposed the measures of ministers, but he who was anxious to fill one of their places: he solemnly protested he had no such wish: he was not a man to force his services upon a prince against his inclination; he held such conduct to be indecent in the highest degree, and altogether inconsistent with the character of a gentleman, and therefore he was personally out of the question, with respect to the advice that he had given. So far from thinking it for the advantage of any state that its ministers should be frequently changed, it was a favourite opinion with him, that a country was likely to be best served, and its government most wisely and beneficially administered, if the ministers were ministers for life, knowing at the same time that any disaster their country experienced from their unwise councils, their want of integrity or their neglect would be sure to bring down upon their heads an exemplary punishment. Amidst the reforms wanted, that appeared to him to be likely to prove most essentially serviceable, as he saw no benefit resulting to the country from the present frequent change of ministers. Let their professions, on coming into office, be what they might, the same inconsiderate measures were generally pursued, the same weakness and want of wisdom were manifest, and the same corrupt practices obtained. The noble marquis concluded with saying, that he should vote for the Amendment.

Lord *Mulgrave* * said, he should not have trespassed upon their lordships indulgence so immediately after he had received the honour of a seat in that House, had he not felt an irresistible impulse to endeavour to dissipate the terror, and relieve the public despondency, which might arise from the comprehensive description, given by the noble marquis, of the gigantic progress of the French arms in the last campaign. He was well aware that any arguments which he could use, would be feeble and ineffectual efforts to take off the impression which such a statement of facts must have made upon their lordships minds and upon the mind of the public, if combated merely by arguments, and met only with speculative statements of the future effects of prospective efforts; it was therefore his intention to meet the facts, which had been just stated by the noble marquis, with historical events, more formidable by their rapidity, more gigantic in their extent, more awful during their existence, but, in their termination and effect, such as, he would venture to flatter himself, the winding up and conclusion of the present contest might be. For this purpose, he should content himself with recalling to the recollection of their lordships some points of military history, which tended to prove, that the nature and genius of the French nation had, in all wars, enabled them to over-run countries, and spread their conquests with a degree of rapidity calculated to astonish and dismay their adversaries; but that firmness, resistance and perseverance on the part of their enemies, had uniformly produced as speedy an evacuation of their conquests, and a total reverse of their rapid and short-lived fortune. He should not hesitate to go very far back in military history, but he was anxious to intrude as little as possible on their lordships patience. Indeed, the time which most naturally presented itself was that which was most analogous to the present period, namely, the irruption of Louis 14th into Holland in 1672, assisted by the combination of the greatest military talents in every branch of the profession that were ever united. When he had named to their lordships Condè, Turenne, Luxembourg, and Vauban, they would, doubtless, feel with him that nothing of science could be added. Their instruments were 130,000 of the best disciplined troops in Europe, an unprecedented train of artillery, and an overflowing military chest, with which, perhaps, even more formidable attacks were made on the fidelity of the Dutch governors, than the strength of their fortresses could suffer from the numerous and heavy batteries which were pointed against them. What, in those days was the state of Holland? Were they, as at this time, covered by formidable and disciplined armies of veteran troops, commanded by experienced generals, and animated by gallant, enterprising, zealous, and active princes? No: besides their ordinary garrison, they had indeed a corps of 25,000 men; he

* Henry Phipps, the present Earl of Mulgrave [A. D. 1817].

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could not call them soldiers, for they were composed of officers without emulation, and private men without energy. With such means of resistance opposed to such powers of attack, it was not to be wondered at, that the measure of success was equal to the disproportion of the powers of contest; accordingly, the Rhine was passed without opposition; all the places upon the Rhine, the Waal, and the Issel, were surrendered; the conqueror, in his progress, received possession of Overyssel, Gueldres, Utrecht, and Naerden; nay, even the keys of Meuden, on which the security of Amsterdam and the fate of Holland depended, were for some awful minutes in the hands of a straggling party of the French dragoons. Factions and commotions existed within the walls of Amsterdam, which were not quelled without much struggle and bloodshed; yet did the energy and resolution of the Dutchmen of those days meet their danger with firmness, and bear their difficulties with patience. The great sluices were opened; the inundations were such as to admit ships of war to float round the walls of Amsterdam for its defence; fresh water was sold at the rate of threepence a pint. But what were the sufferings attending those efforts, when compared to the glorious and happy rewards of energy, perseverance, and courage? The progress of the French was not only stopped, but they were obliged to abandon their conquests, and evacuate the states with a precipitation far exceeding the rapidity of their former progress: their retreat was so hurried that they could not even carry off their prisoners, 28,000 of whom were liberated at the rate of half a crown a man. The Dutchmen of this day had taken a different mode of averting the evils of French invasion, and had had recourse to negociation to stop the progress of their powerful enemies: what the success of the experiment might be, remained yet to be proved: it would be painful to him to give way to prediction on the subject; but it was not irrelevant to the subject of debate, to remark that the pursuits of the French government had not varied with its form; that the objects of the despotic Louis 14th, and of the present democratic tyranny of France, were the same; and that they equally looked to the Rhine as the natural boundary of their dominions, and purposed to make the territories which they should leave to the republic of Holland, beyond that river, subject to their direction and control, and to be held at their mercy. "If," said his lordship, "it should be argued that the present force of France is far superior to what I have stated to have followed Louis 14th, let us pursue the history: we shall find that monarch in 1688, with between 4 and 500,000 men under arms in his pay; we shall find that he took Philipsbourg, Manheim, Heidelbourg, Treves, Worms, Oppenheim, and Mayence; we shall find, too, that before the end of the campaign he was driven from all these conquests by the duke of Lorrain.—In the Spanish succession war, after the first battle of Hockstedt, gained by mareschal Villars in 1703, Vienna was open to the march of the enemy, and so great was the panic in that capital, that it was debated in the council of the Emperor, whether he should not remove his person to some part of his dominions, more secure from the danger of the French arms; the Emperor, however, did not give way to those pusillanimous councils; the events of war justified his decision, and rewarded his firmness. The battle of Blenheim, fought on the same spot in the subsequent year, by a glorious and immortal victory, decided the possession of 100 leagues of country, the conquest of the electorate of Bavaria, and bandied back that terror to the proud court of Versailles, which had so lately shaken the capital of Vienna. As Blenheim determined the fate of Germany, so two years afterwards did the victory of Ramilies decide the fate of Flanders. In the second succession war, when the ambition of France proposed the dismemberment of the hereditary dominions of the House of Austria, and the disposal of the imperial crown of Germany, the torrent of their first efforts, carried them into the centre of Bohemia; gave them possession of Prague, the capital of that kingdom; all-powerful and uncontrolled, they gave an emperor to Germany at Frankfort, by the *congé d'élire* of their haughty, brilliant, and ostentatious ambassador: yet without a single great battle, by successive checks, by the judicious conduct and steady perseverance of their enemies, they were driven from the Danube to the Rhine, and considered the escape of the garrison of Prague as a fortunate and creditable event. In 1757, after the unfortunate battle of Hastenbeck, and the dispersion of the duke of Cumberland's army by the

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convention of Closter-Seven, Hanover being at their mercy, troops were detached to reinforce Soubise, who penetrated into Saxony, and flattered himself with the destruction of the Prussian monarchy; all these advantages were lost by the single battle of Rosbach; the French were again driven across the Rhine, Hanover delivered, and the war was concluded with more glory and advantage to Great Britain, than any war in the annals of history.—If we advert to the other part of Europe, we shall find that in Italy the progress of the French arms has formerly been as great or greater than at present; and the tide of their success has been as suddenly and completely turned by a single action, as in any of the instances I have mentioned. In the first succession war, when the French were in 1706, in possession of Milan, Mantua, Naples, and Piedmont, the battle of Turin obliged them to abandon the whole of those territories, and totally to evacuate Italy. In the second succession war, in 1743, the prince of Conti penetrated through the Alps, possessed himself of all the strong posts on the side of Nice, passed the Col de Tende, forced the Passade of the Barricades, and laid siege to Coni on the borders of Piedmont; yet the single battle of Coni having relieved that fortress, the French were obliged to abandon all their conquests in the Alps, and repass the Rhine.—He had, he trusted, already produced enough to convince their lordships that our situation was not such as to create despondency. Let it not be said that their lordships predecessors had made greater efforts, and exhibited more manly firmness, to maintain the succession of a Spanish king, or to preserve the inheritance of an Austrian princess, than they could exert for the maintenance of their independence, and for the preservation of the glorious constitution of their country. The war which had been declared against us was not an ordinary war; it was a war for the annihilation of our laws, our liberties, our prosperity, our civilization, and our religion. When their lordships enjoyed the blessings of our happy form of government, let every one of them anticipate the curses and reproaches with which he would be branded by his posterity, if, from motives of convenience or the impulse of timidity, he crouched for peace, and sued for mercy from an implacable enemy, at the expense of the political jurisprudence of the country, and of the existence of its constitution! Let me not be told, that the proposal of peace will not be so abject, that the consequences need not be so fatal. I have an authority beyond contradiction; that of the whole government with which it is proposed to treat. We have heard the general abhorrence of the existence of the regal title; the implacable enmity to all governments, with graduated orders of society; and the indispensable rights of nature, as held out at the commencement of the war; all made subservient to the one grand object of hatred to this country. The "violators of the free and natural rights of navigation in the Scheldt," are to be united to the navy of France; the absolute monarch of Spain is to be joined to these votaries of equality; the enthusiasts of atheism are to unite with those Spaniards whom they have branded with bigotry, for the idle purpose of collecting a naval force which may sail to the Thames, and burn the new Carthage. Let us therefore recollect, that not only our lives, our laws, and our liberties are at stake, but even the national character of our posterity; for, if we shall once admit into this country French Republicans, with their present disposition and feelings,—if we should once admit the guillotine within our shores; when we shall have inured our eyes to sights of horror; steeled our hearts by acts of cruelty; embrued our hands in blood; and debased our minds by tyranny and oppression; where will future ages look for the national character? Such being what we have on the one hand to fear, and on the other to preserve, it would be our duty to struggle, though our calamities should have been greater, and our acquisitions less than they are. But our acquisitions I by no means view in the same light as the noble marquis: even that of Corsica, which seems most particularly the object of the noble lord's derision, appears to me an object of infinite importance. I certainly have been very much amused by the lively comments of the noble marquis, as well as by the ingenious descriptions given by the entertaining democrat, whom he has called in to his assistance; but in hearing the most facetious historical jokes, it is impossible to prevent fact from occasionally interfering with the triumph of wit; and when I hear of the defects of this barren and unproductive island, overloaded with establishments, inhabited by men so encum-

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bered with firelocks and spades, that they are neither soldiers nor farmers, with a decided preference to France, I cannot help recollecting that the French carried on a long, expensive, doubtful, and bloody warfare, to bring these coy Corsicans to follow their decided preference, and for the acquisition of this expensive and worthless island. It naturally occurs, therefore, to me, that there remains behind some truth too solemn for a jest, which therefore had been omitted in the catalogue; but at length one sarcasm has led me to guess at some possible advantage, to be derived from the island, which might counterbalance all its defects. The noble marquis, either in the course of his own argument, or in the abstract which he read from the democrat, mentions that "the communications with the continent were so precarious, as to be sometimes interrupted for two months together:"—this, indeed, is proof that it is not a possession for a king in an opera, or a fairy tale; that it is not situated in a lake calculated for pleasant water-parties; but that, on the contrary, it is placed in the middle of a boisterous and stormy sea (which I have myself experienced the Mediterranean to be); and if so, let me ask the noble marquis, are there not ports in this island; will it not afford shelter for your men of war? protection to your merchant-ships? a rendezvous for your trade? and a facility to your commerce with that part of Europe? Is it by revenue and cultivation alone, that the noble marquis, as a British statesman, estimates the value of possessions? What were the nett revenues of Minorca beyond the annual expense of that island? I do not believe the treasury of England was much enriched by the collection of revenue from the possession of Minorca, yet it has been considered by many able statesmen as an object of no trifling importance; and the people have, from some prejudice, regarded the loss of it as a ground of complaint and resentment. Where is the fertility and territorial revenue of Gibraltar? Yet when a hint only was dropped of putting it merely into discussion, on the negociation of peace, after an unsuccessful war, the whole nation seemed to shudder at the idea; it was soon felt that sacrifices must be made elsewhere, and that the advantages of that barren rock were not on any terms to be relinquished. The value of Corsica, therefore, I conceive the noble marquis has estimated upon false grounds.

—Lord Mulgrave concluded with saying, that the Address should have his warmest support.

Earl *Stanhope* said, he did not rise for the purpose of debating—the hour of debating he feared was gone by: events spoke for themselves; and the disasters of this accursed war were the best answers to the arguments of those who defended it, and recommended its continuance. The noble lord had told them that a great deal depended on a single battle; and he did not despair of another Blenheim. So the noble lord told them, in his letters, that he did not despair of keeping Toulon. But did the noble lord, or those he left behind him in command, keep Toulon? It was curious to hear the doctrines of those who supported the war, and to compare their theory with their practice. A gentleman who had distinguished himself by his political Reflections (Mr. Burke) had maintained, that the people had no right to change their constitution or their government; that it was handed down to them by their ancestors, and that they were bound to deliver it unimpaired to their posterity. If this doctrine were true, how did it accord with the conduct of government respecting Corsica? There the people had been not only allowed, but invited, to change their form of government completely; the people, or rather the rabble and Sans Culottes of Corsica, had put the crown of their kingdom on the head of George 3d. Their constitution had in it essential differences from ours, though under the same king. Here it was asserted, that to form a well-balanced legislature, there must be two Houses to co-operate with the Crown. In Corsica there was but one House. It had been contended for here, That there was a natural union between church and state. In Corsica, the king had nothing to do with religion. He knew not how the reverend bench would relish what he was about to say, but there were no bishops in the House of Assembly in Corsica.—He had expected that ministers would have stated some plausible reasons, for the continuance of the war; but only one noble earl in office had ventured to afford the House any information on the subject, and that noble earl had fairly confessed, that he had been so short a time in office, that he knew very little of the matter. With the rest mum and silence was the order of the day. A noble earl had stated, as one obstacle to peace, the

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inveteracy of the French to the people of this country. The assertion was vague and unfounded. The French had no antipathy to the people of this island; they only detested administration, whom they considered as the authors of all the mischiefs of the war. He should vote for the amendment, because he heartily concurred in its object.

The Earl of *Mansfield* concurred with the noble mover of the Address, that it would be disadvantageous and disgraceful, even were the national character and spirit sunk so low, to crouch at the foot of France, elated with victory, and drunk with success, and sue for a peace. A peace granted under such circumstances could never be safe or honourable. The French, it was true, had made most astonishing efforts to carry on the war; but it was obvious they could not be continued, and that, notwithstanding all their seizure of the property of the church, the nobles, and of individuals, and all their confiscations, they could not much longer bear the expense they had hitherto incurred. The war during the last campaign, had cost France 144 millions sterling. They had no less than six milliards of assignats in circulation, equal to 240 millions sterling, besides the quantity of forged assignats which defied all calculation. The suffering the law of the maximum to sink into disuse, as well as their abandonment of the enforcement of the currency of assignats, sufficiently spoke their state of exhaustion. With regard to provisions and corn, the whole country was in a state of the direst penury. During the last session ministers had been called upon to say in two words, what was the object of the war, when a noble secretary had said, he would answer the question in one word, security,—security was its object. Security must be obtained. A peace concluded without security to this country and its constitution, could only be a period of temporary and delusive repose, during which France would endeavour to recruit her exhausted resources, and when she found herself sufficiently recovered, would not fail to renew her attack on this country, this new Carthage, against which she had vowed eternal vengeance. His lordship concluded, with strongly recommending an unremitting attention to the preservation of the balance of power in Europe, and with declaring that we had no option under the present circumstances: we must either prosecute the war with vigour, or consent to sink into a state of humiliation and disgrace, to which he flattered himself no British subject would submit.

The Earl of *Lauderdale* said, that the disgraceful series of defeats that had taken place from the commencement of the war to the present day, would, if he had no sense of duty to his country, have induced him to come to that House as a matter of curiosity, to hear what the supporters of the address could say in favour of the extraordinary measures recommended in the king's speech. After a campaign unparalleled for disaster, it was really astonishing that ministers should persevere in the war with such pernicious obstinacy. Were we not told last year, that the enemy's resources were exhausted: that it was impossible they should continue under Robespierre's tyranny? The system of tyranny and Robespierre had been changed for Tallien and moderation; but had they not still increasing resources, and were not the people more united? Ministers drew conclusions directly contrary to what must be the natural result. The system of terror and the system of moderation were held out as unlikely to last. We were told, What! would you make peace with France in the moment when she is exhausted? And, in the very same breath, we are asked, would you crouch to France for peace when you know that she is determined to persevere in the war? Surely one or the other of these arguments must be false. If she was really exhausted, she would be as eager for peace as ourselves. Ministers accused France of a desire to over-run all Europe, and to destroy every government, and yet at the same moment they acknowledged that she was in treaty with more than one of the belligerent powers, and that she had kept her faith inviolably with the neutral states. Prussia was to be subsidized last campaign, and even then did not act; and Austria could not raise a single sixpence. He was astonished at the monstrous ideas of persevering in a system so utterly inconsistent with common sense. Our domestic policy had been to institute a system of espionage, and to alarm the people with plots and conspiracies, which did not exist, or if they did, by the verdict of an English jury they must be plots without conspirators.

Lord *Grenville* felt himself happy in concurring with every noble lord who had

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preceded him, on the subject of the prince's marriage. There seemed to be but one mind on that occasion, whatever differences there were, in respect to other parts of the address. Having paid a handsome compliment to the Brunswick family and to the present prospect of still farther securing to this country the enjoyment of its constitution, he said, that their lordships were now, in the most peculiar manner called upon to support that constitution. He said, he should seriously demand of their lordships, whether the moment of ill-success was a proper time to sue for peace? Were we to beg of the enemy to cease hostilities, when their situation was so desperate as nearly to amount to a state of despair? In August 1793, the distress in France was so great, that there were assignats in circulation to the amount of 134 millions sterling, all of which were, by the dread of the guillotine forced upon the people. This naturally raised the price of every article, and the assignats in consequence lost 75 per cent. in value. In this situation a remedy was applied as desperate as the disease. The people were forced, under pain of death, to take them at par; and, in order to add to the tyranny of the oppression, it was accompanied by the law of the maximum; to ensure which revolutionary committees were established throughout the nation, the salaries to the individuals of which committees, amounted to the enormous sum of 26 millions sterling. Their great exertion had cost them 160 millions sterling per annum. Were we when so destructive a system was precipitating the enemy on to ruin, to crouch at the feet of these despotic democrats? Their revolutionary committees distributed all over the country put every thing into a state of requisition, and cut of all commerce; their manufactures were annihilated, and their retail trade at an end. Was it in the nature of things that they could carry on a war much longer? The simple question was, whether this country would be in a better situation by vigorously continuing the war, or pusillanimously suing for peace? What proof had we, that the enemy were disposed to terms of pacification, supposing we were mean enough to solicit them? Our humiliation would be great indeed if we asked; but our disgrace would be still greater if they refused: and that they would do so we had every reason to believe, for it was the determined maxim of Brissot, of Robespierre, of Tallien, of the directors of the system of terror, and the abettors of moderation not to make peace with this country. They breathed but one language of hostility against Great Britain. And why did they so? Because Great Britain prevented them from making peace with Austria, Prussia and Spain, that is, from trampling upon the constitutions of those countries, and destroying all civil society in Europe. He besought noble lords to turn this idea in their minds, and, if they drew a comparison between Great Britain and France, they would instantly perceive the immense difference there was as to the situation of each, and the supreme happiness of the people of the one when contrasted with the misery of the other. These were not speculative arguments; they were founded in facts, and facts which proved, that their design of making peace with other powers was, that when they had disarmed the rest of Europe, they might come to the banks of the Thames, and endeavour to verify their favourite expression of destroying the "New Carthage." We were not to look to our present situation with timidity. That the crisis was one of difficulty and danger, he could not deny; nor could we look with indifference on the loss of the Netherlands. There was one question he should put, exploded as it was, namely. With whom were we to make peace? At one time it was said with Brissot, at another with Le Brun; both of these had successively fallen by the hands of the executioners; and then we were told that the committee of public safety were the party with whom we were to negociate, at the head of which Robespierre reigned; but who had shared the fate of his predecessors. The answer now to the question is, "You are to treat with the moderates," but what security had we that a peace would be more permanent with Tallien than with Brissot, Le Brun, or Robespierre? For every mob that was successful would form a new government and under each they were equally hostile to the glory and prosperity of this country. He insisted, that the time of the enemy's temporary success was not the hour for making peace; especially when we were convinced that no peace formed under such circumstances could promise stability. It would be necessary for our own security to retain our military preparations in the same state as at present, and thereby to forfeit all the advantages which were

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proposed from a system of immediate pacification. Should we disband our armies and dismantle our fleets, we should only afford to the French a breathing space, now that they were almost exhausted: and what would our situation be when they should again attack us with recruited resources and renewed vigour? In short, until some government should be established in France on which we could place reliance, it would be extremely impolitic to diminish the very flourishing state to which our army and navy had arrived. It would be degrading indeed, if we were to bow down and beg for peace, and eat the scraps and crumbs which fell from the tables of these proud anarchists. Were peace to be signed to-morrow would any rational man, under existing circumstances, admit one republican from France to disseminate his dangerous doctrines in this kingdom? Surely not. He should give his decided negative to the amendment.

The Duke of *Leeds* said, that he felt himself about to enter on a most unpleasant duty. It was now said, that it was disloyalty even to think of peace; yet peace, he would still confess was never out of his thoughts. He did not mean to suggest disgraceful or submissive terms, but to recommend such a peace as could fairly and honourably be made. He saw no end of the war, on the ground stated by ministers; and, though he could not agree to the amendment, yet he could not support the address, because it went to pledge the House never to be in amity with France whilst that nation continued a republic. In this case, a peace might never be made; yet if France preferred a republican form of government, to dictate to her in this instance was neither just nor decent.

The Marquis of *Abercorn* said, he had till now been precluded from delivering his sentiments upon this weighty question; but they differed from those delivered on both sides. He had only heard opinions for absolute war or immediate peace: he thought there was a line to be pursued that would not subject us to the disasters of the one, nor to the disgrace of the other. He thought the war originally wise and necessary, and if conducted on rational principles, such as would not only have been safe, but honourable. He was sorry to say it had been quite the reverse. We had made ourselves the principals and the paymasters of the world. We had thrust money down the throats of every body; and we had forced nations to defend themselves whether they would or not. A war planned without wisdom had been conducted without energy; and we had contrived to monopolise the odium of France, though we had not gained the esteem of our allies. We had sent our brave men to be abandoned by those allies, and to perish in the defence of their territories. He still thought, that a system of strong defence was practicable, and would be preferable to a peace. We were possessed of resources, but we should husband them. He was for withdrawing our troops from the continent, and acting only by sea; or on such occasions as our assistance could be decidedly useful.

The Duke of *Bedford* said, that he perceived much eagerness on one side of the House to misstate the case, by depreciating the loss and magnifying the gain of the war. He thought the calculation very easy and simple. The one was just as real, as the other was chimerical. The public mind was at that moment in suspense about the fate of our West-India islands. And Corsica, which had attached so much contempt and ridicule to his majesty's councils, instead of an advantage, might become a very serious misfortune. It was such a jewel as tarnished, but never could increase the splendour of the British crown. Year after year ministers had asserted that the enemy would not be able to support another campaign: every succeeding campaign had, notwithstanding, been more efficient than the former. The argument on which so much stress had been laid, that the deficiency of the enemy's resources appeared from their immense outgoings, he thought an absurd one. The noble secretary had said, that their expenditure last campaign amounted to 160 millions sterling. He doubted the fact. Admitting it, however, to be correct, it only proved, either that ministers had been uniformly out in their calculations, or that a system of imposition on their lordships and the public was regularly pursued. What did their lordships think of measures, which could only be supported by reasonings thus equivocal and fallacious? What consolation could their lordships derive from miserable speculations on the resources of a people, whose armies had broken and dispersed the most formidable confederacy that ever threatened the liberties of the world? All that

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had been said about the difficulty of treating, he conceived to be nothing more than pretence. It was every way as easy to negociate with France as with any other state. That country, notwithstanding all its recent convulsions, did not seem more incident to a change in its rulers than its neighbours. The ministry of none could be permanent, and there was an end of all treaties, if that was to be a condition which could never happen. But what did nations chiefly regard as the mutual basis of confidence in their conditions? Not surely the precarious circumstance of vicissitude in cabinets, the intrigues of courtiers, or the narrow and crooked politics of favourite statesmen; but the prevailing temper and genius of the people. And he did not expect to be now told, that though Tallien and his friends were to perish to-morrow, the French would be at any loss for leaders. There was nothing in the Speech, that in the smallest measure determined what the object of the war really was, or at what stage of it, any hopes were to be indulged of peace. Had ministers shown to his conviction that they aimed at nothing unjust or unreasonable, he would have been the last man in the House to oppose it: but when called to support a war of mutual destruction, and of which he saw no end, he had no option but to grapple for his own safety as well and as long as he could, and that, he was decidedly convinced, was only to be obtained by the means recommended in the amendment. He agreed with ministers, that it was a bad time for making peace; from them such a proposition could never come with a good grace; but what then? The public could never sanction eternal hostility: and in all wars one of the parties must be foiled. This, he was sorry to observe, was now our case, and it became us to bear it with as much magnanimity as we could. But he never could think it any indignity in nations any more than individuals, for the weak to yield to the strong; and he earnestly deprecated the madness of obstinately persisting against a force so eminently superior. The noble secretary had said, that we ought to follow up with vigour, the generous exertions of war in which the country was engaged. He was at a loss how to construe this odd phraseology. It was an easy matter for ministers and statesmen to devise at their leisure the means of supporting what they were pleased to call "generous exertions," not with their own, but with the riches and blood of a gallant and unsuspecting public. They knew nothing of the distresses it occasioned among those who immediately felt its pressures, of being violently torn from their families, or of leaving them destitute and miserable, and of having all the hardships of a military life imposed upon them, instead of the quiet domestic habits in which they were born and bred. To these direful extremities thousands of their fellow-creatures were daily consigned by their order. They prescribed the duty, but others must set the example. All the difficulty or inconvenience that fell upon them was, to bring forward a plausible case for public inspection. But was not this being generous at the expense of others? He would venture to assure them, that for such generous exertions as these, they would not have the blessing of the widow or the fatherless, the approbation of their own hearts, or that of any thinking, sober, or good mind.

The House divided on the Amendment: Contents, 12; Not-contents, 95. The Address was then agreed to.

List of the Minority.

Duke of Bedford	E. of Buckinghamsh.
Marq. of Lansdown	Earl of Egmont
Earl of Derby	Earl of Albemarle
Earl of Tankerville	Earl of Guilford
Earl Stanhope	Earl of Suffolk
Earl of Thanet	Lord Chedworth

The King's Answer to the Lords Address.] To the Address of the Lords his Majesty returned this Answer:

"My Lords;

"I thank you for this very loyal and dutiful Address, and particularly for your congratulations to me on the approaching marriage of my son the prince of Wales. —The expressions of your zeal for the honour of my crown, and for the prosperity and safety of my people, and your assurances of concurrence and support in that line of conduct from which alone, in the actual situation of affairs, we can derive either present security, or future tranquillity, cannot but be highly satisfactory to me. The firmness and perseverance of parliament, and the spirit and energy of my people, will, I doubt not, lead to a prosperous and successful termination of this great contest."

Debate in the Commons on the Clandestine Outlawry Bill.] Dec. 30. Previ-

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ously to the taking into consideration his majesty's Speech from the throne, the Speaker presented the usual bill for preventing Clandestine Outlawries. On the motion, that it be read a first time,

Mr. *Sheridan* objected to putting the question, upon this ground:—it had been the uniform practice of the House to read that bill on the opening of every session, before they proceeded to take his majesty's Speech into consideration; this he understood to be a custom for the purpose of expressing the right of the House of Commons to proceed to any business previous to taking into consideration the speech from the throne. He thought this right not an useless, barren trifle, but a right to be insisted upon whenever an occasion should occur for any practical good purpose. He conceived the opportunity was now come for asserting that right, and this he did by way of enforcing the principle in the strongest manner possible. With that view he must object in form to the reading of the bill now proposed to be read, in order to introduce a motion upon another subject. We were now called upon to advise his majesty, at a time the most extraordinary, in a situation the most critical and alarming, upon a subject of the utmost importance to this country at large, as well as to every member of that House; and, before they could say they were in a proper situation to give fit advice to his majesty, in a free, fair, and impartial manner, it was essentially necessary they should themselves be free, which could not be the case while the Habeas Corpus act remained suspended. His object, therefore, was, after this question was negatived, to move for leave to bring in a bill to repeal the Habeas Corpus Suspension act. There could be no objection from ministers to this mode of proceeding, unless they would assert, that there existed at this moment the same paramount necessity as that on which they grounded the suspension. If he was told that the bill had but a very short time to run; or that it was not intended to be renewed, he would answer, that he would not suffer such a bill to die a natural death; that he would not wait a month, a week, a day, or a single moment, after the meeting of parliament, without calling on that House to act as independent, honourable, and free agents for the public; but would defend those rights of the people which had been invaded by ministers.

Mr. Secretary *Dundas* expressed his doubts as to the propriety of the hon. member's objections at this particular time.

The *Speaker* admitted the propriety of Mr. Sheridan's conduct. A question had been urged in the usual manner, to which the hon. gentleman, as a member of parliament had a right to object. The parties were now at issue, and it was the House alone which could decide the difference.

Mr. Secretary *Dundas* saw no reason why the urgent business of the day should be delayed for the purpose of deliberating on a subject of an extraneous nature. Before the expiration of the bill, in February, there would be ample opportunities to consider the propriety of its renewal. He had, however, no scruple in declaring that if no stronger reasons appeared for the discontinuance of the suspension, than at present existed, the safety of the country demanded its renewal.

Mr. *Jekyll* said, that though the right hon. secretary seemed to have made up his mind by anticipation, it did not follow that the House should be of his opinion. The verdicts of the virtuous juries at the Old Bailey had sufficiently demonstrated that no such thing as a conspiracy had existed in this country. His hon. friend had stated, that the suspension kept the people, and the representatives of the people, in shackles. In this opinion he agreed, and therefore thought it ought instantaneously to be repealed. The House had, on the suggestion of certain persons, declared there existed a plot in this country, thereby in a great measure prejudging and preventing the fair operation of the grand jury. Persons were accused on that occasion, and many things were published against the accused, and even threats held out in papers well known to be under the influence of government, in order to bring about a verdict contrary to the good sense, the honour, and the justice of the jury. Their verdicts, however, were well known, and the practical inference from these trials was, that there never existed any such plot as was stated to exist, and that there was no occasion for shutting up individuals for six months upon such charges as had been preferred against them. But he hoped the day would come when such practices would be fairly examined, as well as the subject of new-fangled treasons, introduced by ministry,

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in direct and unconstitutional contradiction to the statute of Edward the third.

Mr. *Maurice Robinson* said, he should oppose the suspension of the Habeas Corpus act when the proper time came for discussing it, but could not agree to any departure from the usual mode of proceeding on the first day of the session.

The *Solicitor-General* said, that so far from having any doubts on the subject, he was more and more convinced, from the proceedings that had taken place on the trials, of the existence of a conspiracy. The only effect of the late verdicts was, that the persons acquitted could not be again tried for the same offence. They by no means went to affect the general question. Mr. Tooke, who had been tried and acquitted, had afterwards admitted the existence of such a conspiracy, and the intention of calling together a British Convention.—The learned gentleman said, that if the juries had been as well informed of facts as he was, they would have acted in a different manner. I do not, however, attempt to stigmatize them for their conduct. The situation of this country had, indeed, the most serious complexion. There were men in it who propagated doctrines of the most dangerous tendency, and who, to obtain a parliamentary reform, thought any means justifiable. There were societies, affiliated, after the example of the detestable Jacobins of France, whose aim was universal suffrage, and whose plans of reform were impracticable, and would unavoidably introduce the French anarchy, with all its horrid concomitants. Their affected moderation served to put men of political penetration on their guard; and even the mildest of their champions could not sufficiently disguise their intentions. One of their most eloquent speculative writers had said, "Let us obtain universal suffrage, and monarchy and aristocracy will be but as dust in the balance." All this was true. If universal suffrage were obtained, monarchy and aristocracy would be but as dust in the balance. This was fully established in the course of the late trials. Those who were engaged, contended not for universal suffrage only, but for the inalienable right of the people to effect a reform. Such rights could exist neither in this nor in any other well-regulated country. There would be perpetual innovation, and perpetual confusion.

Mr. *Fox* observed that the motion intended to be made by his hon. friend ought not to be objected to. The House for the purpose of asserting their own dignity and independence, and not from a desire of showing any disrespect to the crown, proceeded to read a bill, or do some other act, previous to taking the speech from the throne into their consideration. This they did first for the purpose of establishing, and afterwards of continuing a right which they now incontestably enjoyed, and it was a right they should continue to enjoy, because it was beneficial to the public. That being the view he had of the subject, he confessed that all the debate which had arisen on the observation of his hon. friend was strictly regular, for it certainly was as regular for one person to assert, as it was for another to deny the existence of a plot. With regard to the acquittal of a jury, he understood it to be, in the language of the constitution of this country an establishment of the innocence of the accused—a complete vindication of character, and restoration of honour. But he had heard language that night which was to him entirely new; for he had been told, that the verdict of acquittal was in effect no more than that the accused party should not be tried again on the same charge. That was a definition of law which, he trusted, he should never hear again, even from the colleagues of that learned gentleman. The learned gentleman had insisted on the existence of a treasonable plot, because it appeared that there were some persons who wished for universal suffrage and annual parliaments, because addresses had been presented to the French Convention, or because these persons held opinions upon political subjects contrary to those of the learned gentleman. It was thus the doctrine of constructive treason was to be maintained; a doctrine, which, if permitted to pass unnoticed in any place where the publication of opinion was important, might in time be insisted upon as the law of the land. The learned gentleman had said, that the evidence on the trials proved the existence of a treasonable plot. He might think so but, did the jury think so? Most unquestionably they did not. The jury had the advantage of hearing the speech of that learned gentleman, but it did not convince them; and if he might judge from the specimen, which the learned gentleman had given that night, it would have had no better effect upon himself. The learned

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gentleman said he was better informed than the jury. But it did not appear from that observation, that the learned gentleman had communicated that superior knowledge, either on the trials on that occasion, or to the House in the present instance. Mr. Fox then took notice of the acquittals of Mr. Hardy, Mr. Tooke, Mr. Thelwall, and all the other gentlemen who had been indicted as authors of a treasonable plot, on which it had been maintained in that House, that extraordinary steps ought to be taken. The jury had negatived the existence of that plot, by finding them all not guilty. That jury were not men who had favours to ask of government;—they were not members of that House adopting the report of a secret committee, afterwards voting for the suspension of the Habeas Corpus act, and then, perhaps, within a month called to the house of peers. No; they were men who honestly and conscientiously performed their duty, and he believed they performed it well and to the satisfaction of the public; and happy indeed it was for the people of this country that their lives and characters, and every thing they held most dear, were in such hands. How then stood the case? A committee of that House had declared that there existed a treasonable conspiracy in this country; the jury by their verdict, had denied its existence. He did not ask the prosecutors whether they were satisfied of the existence of a plot; he dared say they were but he would ask a jury, and they would answer him that there was no such plot. With these reflections, he thanked his hon. friend for calling the attention of the House as early as possible to the subject; for, if time were given, fresh plots, new false alarms and conspiracies might be brought forward, to answer the same purposes as the former. They would call on their new John Nokes and Thomas Stiles, and all the herd of their spies, to support such plots, and therefore to avoid the possibility of such evils recurring, it was essential that no time should be lost. This was a subject on which those who felt for the constitution as they ought, would consider gravely, and the more especially as doctrines had been maintained on the law of treason, by advocates, whose learning and importance carried with their opinion almost as much weight as if coming from the bench; doctrines, which, if allowed to creep in, and establish themselves, might, in process of time, be destructive to the civil liberty of the country. It was a point, therefore which could not be too soon or too seriously discussed; for it was alarming to hear, what he had, indeed apprehended would be the case, because he knew that there was nothing so desperate, of which ministers were not capable, that on such pretences the Habeas Corpus act was to be again suspended after it had been proved already that the very cause for that suspension did not exist.

Mr. Serjeant *Adair* said, he had had a share in the conduct of the prosecutions alluded to, and should not shelter himself under the right of pleading the duty of an advocate, in the part which he had taken he avowed the most unequivocal responsibility. He could not agree with right hon. friend as to the constitutional operation of a verdict of acquittal in a court of justice. He had said that such an acquittal was a complete establishment of innocence, and justification of the accused. So little did he think that to be the case, that he was of opinion no person was bound to form that conclusion for himself in that House. Out of that House it was unquestionably every man's duty not to arraign the verdict of any jury, but in that House there was no such injunction when the subject came to be discussed. Neither the presumption of common sense nor any rule of legislative discussion required that any member of that House should agree in declaring that a person was entirely innocent of an offence laid to his charge, because he stood acquitted in a court of justice. As well might it be said that a house-breaker, highway-man, or pick-pocket, was as pure and honourable a character as his right hon. friend, merely because, by the forms of a court of law, he should be entitled to his acquittal. Every one accustomed to attend courts of justice, knew that many guilty men were acquitted, not because any doubts were entertained of their guilt, but because they were entitled to that acquittal by the strict rules of legal evidence. It was not necessary that the jury should be satisfied of the entire innocence of the party accused in order to acquit him; if there was a doubt in their mind, that doubt was sufficient ground for their acquittal. But would any man say, because upon such a doubt they might acquit, that therefore there was no ground for the charge, or that the party was entirely innocent. It had been said that doctrines of high treason which were dangerous to

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the constitution, had been maintained on the late trials. He knew not to whom in particular that observation was directed. He was ready to take the responsibility on himself for what he had said upon those trials. He also had noticed much of what had been said by others, and in no instance did there appear to him any thing that could warrant such an observation. The two learned gentlemen who had taken the lead in the prosecutions, had so conducted themselves as to rivet his esteem to them for ever.

Mr. *Fox* said, that much of the doctrine maintained on the late trials for high treason was contrary, as it appeared to him, to the letter, and to the spirit of the 25th of Edward 3rd, and not warranted upon any good legal authority—doctrine which he knew to be incompatible with the spirit of any good law, and which he believed to be disgusting to the people. With respect to the effect of the verdict of the jury all he had pronounced was the opinion of the jury; they had expressed no doubts, and he knew of none; therefore he took it as it appeared, that the accused were innocent, because they were pronounced not guilty. He had no difficulty in saying that his opinion coincided with that of the jury.

Mr. *Pitt* wished the House to recollect what the question was which was now before them. It was perfectly true that, in point of form a bill should be read previous to the entering on the discussion of the Speech from the throne, and therefore a motion for it was always made, but it was always a formal motion, and he believed it would be difficult to find an instance where the House had proceeded beyond the mere point of form. No doubt could be entertained of the right which the House had to enter upon serious business previous to the discussion of his majesty's speech; but this was a right which was only to be used in cases of extreme urgence. Now, what was the case here? An hon. gentleman had said that a certain bill the operation of which suspended the Habeas Corpus act, ought to be repealed immediately. What reason was there for repealing it now? There could be none, unless it was meant to be alleged, that what parliament had acted upon, after due deliberation, was now disproved; or that government had manifestly abused the discretion which had been reposed in them. Now would any of the hon. gentlemen on the other side take such ground and justify either of these propositions? They said the jury had negatived the existence of a plot. He affirmed, they had done no such thing. They had negatived the existence of the charge, upon the proof exhibited within the line of law, in the manner and form stated in the indictment; they had not negatived that part of the charge which was the ground of the suspension of the Habeas Corpus act, namely, that these persons were parties to a conspiracy, if not of treason, to a crime as great in moral guilt, and dangerous to the rights and privileges of parliament and to the tranquillity of the country as treason or any other offence could be. The verdict of acquittal, therefore, was not conclusive evidence to the satisfaction of the House, that the bill for suspending the Habeas Corpus act ought to be repealed. He for one was prepared to argue, that all the substantial grounds were proved upon these trials. Whether it would be necessary to continue the suspension of the Habeas Corpus act, he would not now argue. He could not however avoid saying that he saw no reason for abandoning the caution which the legislature had provided. He must also add, that if it should appear, after the trials of the persons charged in this indictment for high treason, that they have not been supported so as to lead to the proof of legal guilt against the individuals, but if they have been, in the opinion of the public, guilty of a design as dangerous as any that ever was attempted, which did not come within the degree of punishment which the law at present, provided parliament would then do wisely to consider whether more or less precaution to prevent such mischief should be adopted. There was nothing in what had been said to-night, which ought to induce the House not to proceed to business on which the public attention was fixed, or to depart from the common order of the proceedings of the House.

Mr. *Lambton* considered the verdict of a jury in acquitting any person charged with a crime to be conclusive evidence, in justice, in morals, and in common sense of innocence. He had ever understood it as a maxim of English law, that every person was to be considered innocent till he was found guilty. He expressed great indignation at some of the doctrines he had heard that night from the ministerial side of the House, and declared he should not be surprised to hear it proposed from that quarter, that a bastile should be erected in this country.

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Mr. *Sheridan* said, that as every word he had heard from the other side of the House had confirmed him in his opinion that the suspension of the Habeas Corpus act was intended to be continued, he should take the earliest day to bring forward the discussion. He was determined to allow no time to concert plans for exciting alarm, no time to make fresh false accusations, no time to marshal and arrange spies, but to call at once upon ministers for their reasons for continuing to deprive the people of this country of their dearest rights, after every honest man was convinced that the whole story of plots and conspiracies was nothing but a wicked fabrication.

The Clandestine Outlawry bill was then read a first, and ordered to be read a second time.

Mr. *Sheridan* said, he was sorry to interrupt the business of the day a second time, but what he had now to state was an important point of order. He thought he saw an illustrious stranger (Mr. Dundas) in the body of the House, to whom, whatever might be his merits, to pay any greater degree of attention than to other strangers, was irregular. Mr. Burke's bill which abolished the office of third secretary of state, enacted, that if his majesty at any future period, should think proper to revive the office, the person appointed to it, if a member of the House of Commons, should vacate his seat; he therefore apprehended the right hon. gentleman was no longer a member. Lord Grenville, they all knew, was secretary of state for the foreign department, and he wished to know whether the duke of Portland and the right hon. gentleman were one secretary of state or two secretaries of state: because if they were two, he conceived, that the right hon. gentleman from the nature of his office, must be the third secretary of state.

Mr. *Pitt* said, he did not know why this inquiry had been made, unless it was to throw an impediment in the way of the important matters the House had to discuss. It appeared to him rather singular that the hon. gentleman, who had given up the motion he proposed, on a subject he thought of the greatest importance should now come forward with another scarcely of less moment. He thought the hon. gentleman had not acted with any great degree of candour towards Mr. Dundas in endeavouring, as he had done on the former discussion, to inveigle and entrap him into a delivery of his sentiments in that House, and immediately to found on that circumstance an accusation which would subject his right hon. friend to a penalty of 500*l*. If the hon. gentleman had made his motion, it would have answered his argument: for what would it appear that Mr. Dundas had accepted more than he had possessed before? He held the same seals, and transacted the same business which he had done for a considerable time? the duke of Portland merely bore the name of secretary. The hon. gentleman had asked, who exercised the new office? To that question the natural reply was, that that person who last accepted the office was invested with the new office. The hon. gentleman, when he asserted that the act left only two departments was not correct. The fact was that the home and foreign departments were entirely new arrangements, made by the ministry by whom that bill was passed. It was not a division of the business: for the king might signify his pleasure to any person either at home or abroad, through any channel he thought expedient. It was fully competent either to the duke of Portland or lord Grenville to convey the king's pleasure to any person, whether in the department of which he nominally bore the direction or not. The arrangements might be, and were, made as they were best calculated to produce facility and expedition into the conduct of the public business.

Mr. *Sheridan* said, i was extraordinary that an attack should be made on him for want of candour, accompanied by an accusation of an attempt to inveigle the honest simplicity and innocence of the right hon. secretary in order to make him pay the sum of 500*l*. According to the chancellor of the exchequer, the duke of Portland was the nominal third secretary of state: a more respectful mode of mentioning his ministerial office might have been adopted by his new friends. What confirmed him in the opinion that Mr. Dundas must be the third secretary of state was, the right hon. gentleman's declaration on a former occasion, that he had accepted the office he then held merely as a temporary accommodation to his majesty's service, and that he never went to bed at night, or rose in the morning, without feeling that he had undertaken more business than he was able to perform. In consequence, he thought the great political Alcides had been called in

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from Burlington House, *ut quiescat Atlas*. It was lamentable to see an act, which was one of the many that did honour to the political character of its author, violated in the spirit if not in the letter, by those who had been the loudest in its praise.

Mr. *Dundas* said, he had only obeyed the king's commands, and he should never disavow such obedience, where the public had made any acquisition, such as he was sure they had made, from the transfer of the duties of the office to a nobleman, by whom they would be discharged with the highest integrity and ability. The duke of Portland was not a nominal secretary of state, for in his office was all the business within the home department, of Great Britain, Ireland, and the colonies. He thought the duke of Portland's name should have been used with more decorum by a person professing to respect him.

Mr. *Fox* wished to know who in fact, was the third secretary; for though he did not think the letter of the law reached the case, yet he was convinced the spirit of it had been invaded. It had been said, that the last appointed was of course the third secretary; this was a curious assertion, and led to an absurd conclusion; for on this ground every person, whatever powers might be entrusted to him, who last came into office was to be considered as the third secretary, as described in the bill. Did ministers mean to reduce the bill to this—that there might be three secretaries of state, consistently with the principles of the act, while any one of them had not a seat in the House of Commons? This was an absurdity that no man could advance. He was sorry to see the duke of Portland, of whom he should never speak but in terms that became the respect he felt from long political connexion and private friendship, accepting an office which he himself had formerly thought ought to be abolished.

Debate in the Commons on the Address of Thanks.] His Majesty's Speech having been read,

Sir *Edward Knatchbull* rose, to move an Address of Thanks. He disclaimed all intention of entering into the particulars of the last unfortunate campaign, ministers were, undoubtedly responsible for all the measures that had been adopted during the present war. He did not believe that the ill-success originated with them, and he had no doubt but they would be able to give complete satisfaction on this business. It appeared, from his majesty's speech, that the States-general had entered into a negociation for peace, with the French. As that negociation was now depending, it would be improper to make any comments upon it. He regretted much, that all ideas of a safe and honorable peace, were at present hopeless. The continuation of the war with increased vigour, became therefore, the only object to which our attention should be turned. The times required that every man should declare, in a manly and honest manner, his sentiments on the state of affairs. In contemplating which, it afforded him much consolation to compare the resources of this country with those of France. Ours were fresh and not fully brought into action; theirs rapidly expending themselves and nearly exhausted. With us trade and commerce flourished; with them they were totally extinct. In the present emergency he called earnestly on every man to step forward and join hand, heart, and purse, in the glorious cause in which we were engaged. Let this be done, and Old England had nothing to fear, but every thing to hope. He should not now discuss how far Corsica, from its local situation, might or might not be of importance to this country; that must afterwards be determined by circumstances; but the bravery of the troops employed in that quarter certainly merited the public gratitude, and the spirit which the inhabitants had shown in resisting the system of French tyranny, entitled them to the protection of the British sovereign. The treaty with America, and the marriage of the prince of Wales, were objects, he could not for a moment doubt, of the most warm and general approbation. In this view of the subject he should conclude by moving, "That an humble Address be presented to his majesty to return his majesty the thanks of this House for his most gracious speech from the throne:

"To assure his majesty that it is equally our duty and our anxious desire to second his majesty's views for the welfare of his people at this important crisis, by our best advice and assistance: that, much as we must desire the restoration of peace on safe and honourable grounds, we join with his majesty in thinking that it is only from firmness and perseverance that we can hope for the attainment of that end, and for the preservation and permanent security of our dearest interests;

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and that, notwithstanding the disappointments and reverses which have been experienced in the course of the last campaign we retain a firm conviction of the necessity of persisting in the vigorous prosecution of the just and necessary war in which we are engaged:

"That, from considering the situation of our enemies we are persuaded that the efforts which have led to their successes, and the unexampled means by which those efforts have been supported, have produced amongst themselves, the pernicious effects which were to be expected from them; and that the circumstances which have taken place in the interior of the country, afford strong marks of the progressive and rapid decay of their resources, and of the instability of every part of that violent and unnatural system, which is equally ruinous to France, and incompatible with the tranquillity of other nations:

"That although a sense of present difficulties have led the States general of the United Provinces, to enter into negociations for peace with the party now prevailing in France, we are fully sensible how little real security any established government or independent state can derive, under the present circumstances, from the result of such negociations; and we are convinced that they could not be attempted on our part, without sacrificing both our honour and safety to an enemy whose chief animosity is avowedly directed against these kingdoms:

"That we cannot but applaud his majesty's determination to use the most effectual means for the further augmentation of his forces, and to omit no opportunity of concerting the operations of the next campaign with such of the powers of Europe as are impressed with the same sense of the necessity of vigour and exertion:

"That we are persuaded his majesty may, at all times, justly rely on the valour of his forces by sea and land, and on the affection and public spirit of his people, contending for their essential interests, and deeply sensible of his majesty's parental solicitude for their happiness and welfare:

"That we acknowledge his majesty's goodness in having directed the instrument, by which he has accepted the crown and sovereignty of Corsica, to be laid before us; and we are sensible that the local importance of that island, and the spirited efforts of its inhabitants, naturally recommended them to his majesty's protection:—That we learn, with great pleasure, that his majesty has concluded a treaty with the United states of America, with the view of removing, as far as possible, all grounds of jealousy and misunderstanding, and of improving an intercourse beneficial to both countries; and that we shall be ready, as soon as the treaty is laid before us, to consider of the necessary provisions for carrying it into effect:

"That we cannot sufficiently express the satisfaction which all his majesty's subjects must derive from the auspicious event of the conclusion of a treaty for the marriage of his royal highness the prince of Wales, with the princess Caroline, daughter of the duke of Brunswick; and that, participating warmly in the sentiments which his majesty must feel on an occasion at once so interesting to his domestic happiness, and so important to the interests of his people, we shall cheerfully proceed to enable his majesty to make provision for an establishment suitable to the rank and dignity of the heir apparent to the crown of these kingdoms:

"That the considerations which prove the necessity of a vigorous prosecution of the war, cannot fail to induce us to make a timely and ample provision for the several branches of the public service; and that, while we feel the painful necessity of imposing additional burthens on our constituents, it is a just consolation and satisfaction to us to learn, that the state of our credit, commerce, and resources, is such as might naturally be expected to result from the continued exertions of industry under the protection of a free and well regulated government:

"That, entertaining a just sense of the blessings now so long enjoyed by this country, we feel it incumbent upon us to make every effort which can enable us to transmit those blessings unimpaired to our posterity; and that we cordially join with his majesty in a confident hope, that, under the protection of Providence, and with constancy and perseverance on our part, the principles of social order, morality, and religion, will ultimately be successful; and that his majesty's faithful subjects will find their present exertions and sacrifices rewarded by the secure and permanent enjoyment of tranquillity at home, and by the deliverance of Europe from the greatest danger with which it has been threatened since the establishment of civilized society."

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Mr. *Canning* rose to second the Address. Whatever difference of opinion might prevail in general in that House, he was led to hope, that, upon some of the topics contained in his majesty's speech, there would be a perfect unanimity. He was not so sanguine as to expect that, upon those points on which there had last session been manifested so wide a difference of opinion among gentlemen, they should upon this occasion perfectly agree. But there were circumstances referred to in his majesty's speech, which must give the most sincere satisfaction to every man in that House and in the country. The information that a treaty of amity and commerce had been concluded with the United States of America, must, he was sure, diffuse universal satisfaction; and the gracious communication of his majesty, respecting the marriage of his royal highness the prince of Wales, must inspire sentiments of joy and congratulation in the breast of every British subject.—With regard to other parts of his majesty's speech, he was aware that to expect a complete coincidence of opinion would be vain and fruitless; he had some hopes, however, that, for one night, gentlemen would consent to lay aside their differences, and unanimously to concur in the Address which had just been moved. If it should happen, that he should be disappointed in his hopes of perfect unanimity, at least, he hoped, he should have the honour of dividing with a large majority. With those gentlemen with whom he had the pleasure to vote last year, it would not be necessary to urge many arguments to induce them to concur in the present address. If any were necessary, he would only desire them to look at and consider the various decisions which that House had come to since the commencement of the war. Those decisions, gentlemen would recollect, had not been come to by that House, but after the most mature deliberation, and the most elaborate discussion. If, then, the opinions adopted by the majority of the House were founded at that time in wisdom and justice, he trusted that nothing had occurred since they had last met, which could properly and reasonably induce them to alter their sentiments. Some circumstances had undoubtedly taken place of an unfavourable nature to this country. He was ready to admit, that the successes of the enemy had been great and unexpected; that by the most unheard-of exertions, they had over-run an immense tract of territory, and had compelled the allied armies to retreat before them. He was ready also to admit, that the allies had, in many instances, been unsuccessful; that many of their plans had failed, and that this country had shared in the general misfortune. But when he admitted all this, he must be allowed to ask, ought it to weaken or strengthen our determination of pursuing the war in the most vigorous manner? The reasons which induced him to be of the latter opinion, he would state in the manner least likely to trespass upon the patience of the House.

Would any gentleman stand up and undertake to prove that any of the misfortunes, which we had experienced during the last campaign, were imputable to the ministers of this country? Were they not rather such as no human prudence could foresee, and no human power prevent? Most of the failures which had attended us in the last campaign must be imputed to the defection of our allies, and to the unparalleled exertions and irresistible force of our enemies. He was perfectly aware it might be said, that the government of this country might have avoided many of the calamities of the war, if they had attended to the warnings and predictions which had been given by gentlemen on the other side of the House. It was true that they had foretold the defection of our allies, and the astonishing exertions of the enemy, and he could not but confess that unfortunately, the event had justified the prediction. Here, however, he wished to observe, that it was no difficult matter to prophesy disappointment and ill success. If the prediction proved false, gentlemen would feel too much satisfaction in the success of their country to think of the prediction; if it proved true, those who made it would triumph, as they would certainly feel some satisfaction in their superior sagacity. But when he thus candidly gave credit to those gentlemen for their predictions, he wished it not to be forgotten, that some predictions had been made by ministers and those who supported the war, which had been equally justified by the event. That government which existed in France, and which had been represented as perfectly stable and secure, had been stated by gentlemen on his side of the House, to be so constructed, that it could not possibly exist for any length

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of time. When Robespierre was in the height of his power, when he governed France with the most absolute sway, and when his will was received throughout France as law, even then his fall was predicted—with how much justice, the event had shown. When Jacobinism was at its greatest height; when its influence circulated through every part of the French government; when it seemed as the very source of motion in all their enterprises; even then its fall was foretold in that House,—and, happily for humanity, with truth.

He wished, however, not to be misunderstood; he did not mean that, by the accession of the moderates to the sovereign power in France, the possibility of our treating with them had become greater, because the only difference between them and the Jacobins was, that they possessed the intentions, though they had not the power, of the Jacobins. The hostility of the moderates towards this country was equal to that of the Jacobins; the only difference was, they had not the means of carrying it into execution. But when he admitted that their exertions had been great, he wished the House to consider for a moment at what an expense these exertions had been made. It appeared from the reports of Cambon, the French financier, that the expenses of France, since the commencement of the war, had been 330 millions sterling; and since the commencement of the war with England, 260 millions. This enormous expense they had been enabled to sustain, by seizing all the property in the kingdom, and distributing out sustenance as a kind of donative to the people; by raising, by the means of terror, the value of assignats; and depressing, by the same means, the price of purchasable commodities.

Who can doubt, then (said Mr. Canning), but in the quick succession of changes, the vaunted moderates will fall? Who will contend that they can have the same resources as their predecessors, seeing that they profess to give up the system of terror, by which alone those resources were procured, unless he be at the same time prepared to argue, that the superstructure becomes strong in proportion as the foundation is taken away? but it is in power alone that moderatism differs from Jacobinism; its virulence remains unimpaired. If it were possible, Sir, that the events of the whole French revolution could be blotted from the page of history, excepting those which have taken place since the establishment of what is called moderation in that country, and that they were to go down to posterity, with no other comment of the historian than simply, "This was termed their moderate system," what an opinion would after-ages form of the preceding periods, in comparison with which the system now existing could be defined, mercy and moderation!

But supposing I were ready to allow, that a material difference exists between the character of the present rulers in France and that of their predecessors—admitting, for the argument's sake, that, when I look towards Paris, I do not discover there those scenes of atrocity at which twelve months ago my heart revolted with horror and indignation; that instead of carrying on as heretofore their commerce of murder and proscription, I find the moderates of the present day occupied in the comparatively innocent employment of adjusting their accounts, and striking the balance—settling their partnership account of blood, and ascribing to each individual his particular share of the guilt.—Granting these circumstances, it might be asked, why not practicable to conclude a peace on honourable terms with the present rulers? or at least, why not make the attempt, and inquire what terms we are likely to obtain?—Because the one is impossible, the other unnecessary. It is impossible to look for a safe and honorable peace from moderatism, any more than from Jacobinism, until we shall have been convinced that it is not only more mild, but more stable: that it at once holds out the probability of tranquillity abroad, and of permanency at home. But even if these characteristics were discoverable in it, it would be less necessary now than ever to humiliate ourselves so far as to demand of them what terms of peace they may be disposed to grant us; because we shall speedily have an opportunity of judging of them more certainly than, from any declarations which they might hold out to us, from those which have been obtained from them by other nations. Holland is at this moment negociating a separate peace; how wisely, how justly, or how successfully, it is not our business to argue. If we examine the debates and decrees of the convention, we shall find they had divided their enemies into those who provoked the war, and those who were forced into it; two

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classes of which we rank under the most aggravated, Holland under the least. This power is now soliciting peace; let us see what will be the issue. The most determined advocates for peace have gone no farther in their expectations than to the *status quo ante bellum*. Now, supposing Holland, under all the circumstances which operate in its favour, as a power whom they consider as having been forced against her will into hostilities, as being the first to ask for a cessation of them, and as being that nation which, of all others, they were most anxious to detach from our alliance,—if Holland obtains merely a *status quo*, can it be reasonably expected that we, who have no such favourable circumstances in our situation, we, to whom they assign the foremost rank in their enmity and hatred, shall be treated with equal advantages? I think it can hardly be imagined. But even supposing this to be the case, we ought not to accept peace on such grounds. Holland, let it be recollected, has not conquered any territory, nor has she received many emigrants. But shall we, admitting France would treat with us in the same degree, relinquish all our conquests, and consign the objects of charity and honourable confidence, to that vengeance from which they seek refuge? The acquisitions which we have made, considering them only in a commercial point of view, as an indemnity for the expenses which the war has obliged us to incur, nobody would willingly abandon; but when to this interested and cold-blooded way of stating the subject, is added the consideration of the thousands who have fled to us from their sanguinary tyrants, surely there is no human mind that can for a moment entertain the idea of giving them up, without necessity. Let gentlemen only recollect what their own feelings have been, whenever, in the course of the last campaign, it has unfortunately happened that the emigrants have been surrendered: let them recollect whether the first question that they have asked, upon such an event, has not uniformly been, Was there an inevitable necessity for doing this? And if the question could be answered in the negative, what have been the feelings of indignation that arose in their breasts against the base and cowardly treachery of such an abandonment? Apply this to your own country. Will you agree that she shall incur the disgrace of a proceeding so foreign to every sentiment of honour, and of human feeling? Will you agree, without a necessity so paramount, as neither to be avoided nor resisted, to yield up to these savage proselytes of mercy and moderation, the throats of all those confiding suppliants who are clinging round your knees for protection? Sir, it is impossible.

The next argument against peace, was its insecurity: it would be the mere name of peace, not a wholesome and refreshing repose, but a feverish and troubled slumber, from which we should soon be roused to fresh horrors and insults. What are the blessings of peace, which make it so desirable? What, but that it implies tranquil and secure enjoyment of our homes? What, but that it will restore our seamen and our soldiers, who have been fighting to preserve our homes, to a share of that tranquillity and security? What, but that it lessens the expenses, and alleviates the burdens, of the people? What, but that it explores some new channel of commercial intercorse, or re-opens those that war had shut? What but that it renews some broken link of amity, or forms some new attachment between nations, and softens the asperities of hostility and hatred into kindness, and conciliation, and reciprocal good will? And which of all these blessings could we hope to obtain by a peace, under the present circumstances, with France? Not kindness and conciliation, most assuredly; not a renewal of social harmony or commercial intercourse; still less could we venture to restore to the loom or to the plough the brave men who have fought our battles; for who could say how soon some fresh government might not start up in France, which might feel it their inclination and their interest to renew hostilities? The utmost, therefore, that we could hope to obtain, would be a short, delusive, timid, and suspicious interval of armistice, without any material diminution of expenditure; without security at home, or a chance of purchasing it by exertions abroad; without any of the essential blessings of peace, or any of the possible advantages of war: a state of doubt and preparation, such as would retain in itself all the causes of jealousy to other states, which, in the usual course of things, produce remonstrance and inquiry, and if they are answered unsatisfactorily, war. The only other alternative is, that in stupid confidence we should unarm, and leave ourselves a helpless prey to the

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first renewed attack of the enemy; sure to meet the occasion when it should arise, under every possible disadvantage, having unscrewed and let down from the pitch to which we have raised them, the great machines of our defence, our army and our navy, and hopeless of being able to raise them again, by any exertions or any expense, to such a height as would be calculated to resist the unrelaxed efforts of our enemy.

If I am asked, what good effects we can possibly expect from a continuance of the war, I answer, that, calculating from past experience, I look for the delapidation and decay of the present government in France, as certainly, as it is certain that every other government, erected in that country since the revolution, has fallen, more or less rapidly, before it. This effect I think desirable; not as is perpetually insinuated, from any taste or preference for this or that form of government in France, but because I would have their government, whatever it may be strong and solid at home, that it may be safe for other nations; and I consider the continuance of our exertions as requisite to this end; not from any hope or wish, that we may conquer France by our arms, but because if an argument, which has been much and often used on the other side of the House, be true, that our hostility has in fact been the principal cause of all the changes and convulsions that have torn the interior of France, and if it be true also that moderatism be so much better than Jacobinism, then we have to congratulate ourselves on having worked one good change, and may hope by perseverance to effect one still more desirable. If it was our hostility that excited and consolidated the enormous tyranny of Robespierre, let us draw the natural conclusion, that it was our hostility that destroyed it. If we by attacking France, created the monster Jacobinism, it is not fairly to be denied, that the continuance of our attacks also destroyed it. And if all this be so, the natural conclusion is, that we produced the alteration from Jacobinism to moderatism, and therefore we may finally bring the country to a proper form of government; not with the view of conquest, or of imposing our own choice on them, but to force them, if you will, finally to choose such a one, as shall secure their own happiness, and our safety. If I am asked, what are the means on which I rely for bringing this about, I answer, their weakness and our strength; their weakness, which is to be looked for not in their armies, but in the decay of the resources which have supported those armies, in the exhaustion of their country, and in the distractions and discontents of its inhabitants; our strength, which is to be calculated not from the process of our arms, but from the flourishing state of the kingdom; from the spirit which we bear, and the vigorous capacities which we possess for exertion; from our resources, not only unexhausted, but as yet comparatively almost untouched; from the unabating confidence and loyalty of the people and the unalterable justice of our cause. Impressed with these sentiments, and confident in these hopes, I think I cannot better discharge my duty to my country, or better consult the advantage of all Europe, and of the civilized world, than by seconding the motion for the Address.

Mr. *Wilberforce* began by observing, that he felt, in its full force, an observation made by the hon. mover of the address, that this was a time when it became every man who wished well to his country most seriously to consider what measures it was proper to pursue. For his own part, he had been long and anxiously deliberating on the present state of public affairs: this was a crisis wherein there was much to be urged on both sides, and all perhaps that was left us was, a choice of evils. He would fairly declare that his mind had been for some time in suspense, but after adjusting the respective claims of conflicting arguments, and honestly and impartially assigning its due weight to each, he was equally bound to declare, that he had at length a decided opinion to which scale he must assign the preponderance. He rose, therefore, to perform a painful act of duty, in expressing his dissent from the Address which had been just moved, and thus manifesting, on this one important occasion, a difference with those with whom it had been the happiness of his political life so generally to agree. It was his firm belief, on a most deliberate review of all the circumstances of our present situation, that peace was now desirable, if it could be effected on terms censistent with our honour and our interests. But though such was his clear opinion, he should most likely have thought it best not to interrupt the unanimity of that day's pro-

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ceedings, if the Address had been couched in terms at all moderate or pacific; but its language was of a quite contrary character, and he thought no one could adopt it who was not prepared to say, that Great Britain ought never to treat with France till a counter-revolution should be effected: he at least, could not conceive that the Address could be properly understood in any other sense, and therefore in no other could he agree to it; thinking, then, as he did. that the war ought no longer to be prosecuted for the sake of effecting a counter-revolution, he felt himself compelled, however reluctantly, to step forward and declare his opinion.

In assigning the reasons on which this opinion was grounded, it was natural for him to begin by adverting to something which had fallen from his hon. friend in seconding the Address, who had appealed to the consistency of all those who had supported the war last year; urging, that there had been no change of circumstances since that time, and that therefore their sentiments must remain unaltered. On the contrary, many, and those most important changes, appeared to him to have taken place: first, the Jacobin clubs had been destroyed. Was that nothing? Where, then, was the propriety of the language which had been so often used on that subject, and of the eloquent terms in which his hon. friend had himself that very day described them, as constituting the ducts and arteries by which the circulation was maintained throughout the whole of the body politic of the French republic? Members of the convention had been lately executed for cruelties committed in the provinces; other symptoms of moderation had appeared, and though he must not hastily infer that these things proceeded from the purity of the persons who were now in power, yet one might perhaps argue from them what it was conceived would be the language and conduct most likely to recommend a party to the public favour.—Another grand difference of circumstances was, that at the beginning of last year, we were connected with a large and powerful confederacy; one of its members had long ceased to afford us any active assistance; another, we had been that day informed by his majesty, was at this very time negociating for peace; it was notorious that many members of the Germanic body had been endeavouring to withdraw the empire from the combination, and we had reason to believe that Austria would not be able to continue the war without the support of our credit. Was all this nothing? Did it not show the probability of our being left to maintain the struggle by ourselves? He would assign some other most important differences, which he wished gentlemen to consider, with a reference to the reasons which had formerly determined us to go on with the war. Gentlemen would remember, that the defence of Holland was one grand object with us: Holland was now providing for her own safety by negociation. We, formerly, had been justly alarmed by the dread of French opinions in this country: this danger, he now hoped, was greatly lessened, and in two ways; first, he could not but believe that the nation in general must have had time to see the pernicious effects of those baneful principles, by the specious appearance of which, many well-intentioned men had been at first beguiled; they must now know the true character of that detestable and destructive system; that it was hostile to all property, to all personal security and domestic comfort; that it was not only the wealthy and the noble that became its victims; that as there was nothing which could resist by its greatness, so there was nothing which could escape by its insignificance. The British nation had now armed in its own defence, and he placed great reliance on the means which had been so opportunely taken for the maintenance of our internal tranquillity. This change of circumstances made him much less apprehensive of what might follow from peace with France, than he had been formerly, when our enemy might have attempted, with too much success, to diffuse her pernicious principles, and foment internal discontents.

He could by no means agree with the hon. seconder, that it was nothing that we had had so unsuccessful a campaign; more particularly when he adverted to what the hon. gentleman added, that this did not seem imputable to any want of bravery or military skill. What had been found beyond our strength when the confederacy had been in full vigour, was it reasonable to expect to effect when it was so greatly weakened.—But he wished particularly to observe, how much all the preceding remarks bore on that great question, the probability of a counter-

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revolution in France; an event which, though he had not been so sanguine as some others, had been, he frankly owned, the object of his most ardent wishes, as being that which would be most for our own security, and no less for the happiness of France herself. For his own part, if he were disposed to speculate, he should say, that, for a time at least, and on some accounts, he should wish to see the American constitution established in France, in preference to any other; because, possessing many advantages of a mixed monarchy, it would not be so likely to call into action old prejudices and resentments.—But to return to the question he was treating of, namely, the probability of a counter-revolution. When so great a combination of surrounding powers was preparing to attack them on all sides, then, if ever by means of war, it might have been expected this object would be obtained, it might have been hoped that the republicans would be intimidated, that the royalists would be encouraged to come forward and assert their own cause, that the neutral and wavering would be fixed. But how different had been the issue, and what must be the effects actually produced on the minds of these several descriptions of persons. This great confederacy must have now ceased to excite terror on the one hand, and to infuse hope and comfort on the other: at the beginning of last year, we had been told, that, besides a powerful army of insurgents in La Vendée, insurrections had appeared in forty-three different places in France: all these had been suppressed, whilst at the same time the French had, on every hand, repelled the attacks of their invading enemies. But, granting that our arms might be more successful in the next campaign, yet would not past experience render the French mal-contents justly apprehensive, that though we had been able to raise a mound, as it were, against the swelling tide, and even to recover districts which had been overflowed by it; yet, that in a following year, the armies of the convention, like the returning of the ocean, might sweep away all before them, and re-occupy the countries of which they had been dispossessed? It was, indeed, in his mind a most important consideration, and one from which it was altogether astonishing to him that a directly contrary inference had been drawn from that which it appeared to him to warrant, that in all their many armies there had been no signs whatever of disaffection or discontent; the convention seemed the great center to which they all gravitated; and so long as this existed, they seemed to care little what individuals might hold the reins of government: this looked but too much like a rooted attachment to a republican form, and produced unity and vigour in action throughout all the vicissitudes of conflicting administrations. He owned, that he had always seen great force in the objection which had been made to our attempting to effect a counter-revolution by force of arms: the objection to which he alluded was, that the French were a high spirited people, whom, by thus appearing to force a government upon them we compress into resistance: this consideration was formerly, however, overborne by others of more force; but to persist in the same system, when for the reasons which had been assigned, it must be with so much less compressive power (if he might be allowed the expression), was to produce the ills of compression, without obtaining the good, and to excite a feeling of hostility and resentment, which was not counterbalanced by any opposite advantage. When speaking on this subject of a counter-revolution, he must say, that he feared it was grown far less probable on another account: it was now several years that a republican government had prevailed in France, and from the very circumstance of its having so long subsisted, it had acquired some sort of stability in the minds of men, the people had been accustomed to look to the convention as the seat of legitimate authority; add to this, that many of the old generation had died off, and a new race had already come, and were daily coming, into action, who had been educated in the habit of looking on monarchy with horror. Many, also, much as they might detest a system of government which had been productive of general misery, must be now tired out; they must recoil from the idea of having all to begin over again, and the acquiescence dictated by this feeling was likely to be encouraged by the substitution of a somewhat milder system in place of the furious and bloody tyranny of Robespierre. He thought a counter-revolution was, for many obvious reasons, more likely to take place after a peace than during the continuance of the war. He declared, however, that feeling himself bound not to speak the language

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of a partisan, but that of fairness and impartiality, he must say, that there was considerable weight in many of the considerations urged in behalf of the continuance of the war, which had been ably stated by the hon. seconder. These, however, seemed to him to have been pushed much too far, and in one or two instances, the impression they made on his own mind was directly contrary to that which they had produced on that of the hon. gentleman.

The great argument on which we were to found our hopes of success was, that of the French resources being now so nearly at an end, that if we could but force them to the necessity of continuing the same efforts, they must soon be entirely exhausted. To this he might reply, if the French were at length so reduced that they were no longer formidable when acting on the defensive, we should, at least, not have so much to dread from them as the hon. member had stated, if we were to make peace; because, in that case, they would have to carry on offensive war, which every one knew was much more expensive and exhausting. He might ask on this head, what symptoms appeared of this complete exhaustion? What expense had they spared? What service had they stinted? The vast charge of their prodigious army had not, it was but too well known, prevented their making astonishing efforts to increase their navy. Surely, the stream might be expected to run low before it failed altogether. Let it be remembered, that their resources were not like ours in this happy country, bounded by the willingness of the representatives of the people to grant supplies, but only by the government's ceasing to have the power of extorting them: such had been the rapacity of the French rulers, that they had got almost half the land of France into their own hands, and this, to the value of 260 millions sterling, remained as a substratum for future emissions of assignats. But he must freely declare, that he extremely distrusted all such calculations of the remaining resources of an enemy, and the inference attempted to be drawn from them. Did gentlemen remember the extreme depreciation of the American paper, and how the Americans were able to persevere in the contest when it was argued that their means were almost entirely at an end? Abundant experience proved but too plainly the futility of all such speculations: mischievous, indeed, had been their effects on the happiness of mankind, by inducing nations to defer the hour of peace, from an idea that by persevering in war they might extort better terms from the weakness of their enemy. Every gentleman acquainted with the history of Europe for the last century, must be at no loss for instances in proof of this assertion; and he conjured the House not to lend itself too hastily to reasonings, the soundness of which there was so much cause to suspect.

Another argument which had been urged was, that it would be base and humiliating for this country to sue for peace. Sue for peace! nothing was farther from his meaning: he was for such a peace only as should be consistent with good faith to our allies, and with the national interest and honour. In various ways this country had declared against treating with the existing government of France, and all he wished was, that if he had now abandoned the idea of effecting a counter-revolution by force of arms, we should show that the existence of a republican government was no longer an insurmountable obstacle to peace. If this was a proposition the truth of which we were convinced, he thought it would be more magnanimous fairly to avow than to dissemble it. In his mind truth was dignity, and falsehood meanness. To think of obtaining peace by concealing your willingness to make it, was a mode of acting he must condemn; not for its want of simplicity only, but for its meanness; it was the artifice of a petty chapman, who pretended to be indifferent about an article he meant to purchase, rather than the open, manly, dignified conduct, which became a great and powerful nation. We were in that very situation wherein a pacific line of conduct could hardly be misconstrued, and the vast exertions we were capable of making (and these he would by all means recommend to go on with increasing energy, as what alone could give effect to our negociations), must prevent its being thought that our disposition to make peace arose from our inability to carry on war. Another unsuccessful campaign might render it expedient for us to wish for peace under far more questionable circumstances, with a weakened government and a clamorous people; when our enemy might know her advantages, and rise proportionably in her demands.—Another objec-

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tion was, the precariousness of any peace which might be made with the present government of France. Here also he must admit with the same frankness with which he had before expressed himself, that no peace could probably be secure which should be made with a French republic of which Paris should be the seat of government: but then he must add, that giving this consideration its full weight the evils resulting from this insecurity were by no means equal to those of continuing the war. He would concede that we must be backward in disbanding our army, and much more so in laying up our ships; but then this would only be for a time, till some change in the internal condition of France should render her a less formidable neighbour, or until some intermixture in continental politics (and many probable events here occurred to his mind) should draw off the force of France in some other direction; whereas, so long as we continued the war we kept it pointed against ourselves. Besides, as the insecurity he had been speaking of was not confined to the case of a peace concluded with the present French government only, but applied almost equally on the supposition of any French republican form, this state of insecurity (granting there would be no counter-revolution, which was the ground he was arguing upon), was a state through which they must have to pass at some time or other, before they could arrive at a condition of complete and secure peace, and therefore on many accounts the sooner they got to it the better. He was ready to allow that an extensive peace establishment was a great evil; but surely it was speaking of it in too strong terms to put it on a level with a state of actual war. Was the expense of a war its only evil, or was it not rather one of the least of which it was productive? But, then the French would attack us when we were disarmed and off our guard: in answer to this he had already observed, that we must not be disarmed nor off our guard; for his own part, however, he could not but believe, that though he could have no great dependence on the good faith of France, he might trust somewhat to their still retaining something of the common principles of human nature. After all they must have suffered, he thought the greater part of them could not but be glad of a little quiet, and that they would not again be hasty to provoke the resentment of a nation they would have so much cause to dread.—But it was urged, that the chief animosity of the enemy was avowedly directed against ourselves and he was sorry to observe, that too much effect was produced by the mention of certain violent expressions which had been used in the convention concerning this country. It was perfectly natural we should chiefly attract their enmity: they hated us most because they feared us most: but then this fear afforded an additional argument for their being ready to make peace with us, and for their dreading to renew hostilities. However, whilst he was on this head, he would plainly say, that (supposing France to continue a republic) unless the representative assemblies of both countries should so harden themselves as not to be very tenderly sensible of a few violent and absurd speeches which might be made in each, concerning the other, perpetual matter of irritation would be mutually afforded. And was it possible, in speaking on this topic, not to bear in mind the strong expressions which had been used in that House concerning the French?—expressions the justice of which however allowed here, the Convention would hardly be very ready to admit. But another argument which had been urged for our continuing the war was, that we alone of all the nations in Europe, were able to repress the excessive power of France, which would hereafter be likely to fall upon some of her continental neighbours, if we were not now to weaken her completely This, by the way, was not very consistent with what the same hon. gentleman had said of the French resources being so nearly at an end. So far as we were bound by treaties, the strictest good faith was to be observed, and he should hold it the extreme of dishonour to steal alone out of the general confederacy; but he must protest against our so far making common cause with the rest of the governments of Europe, as to think we stood exactly upon the same footing with them. Thanks to the bounty of Providence our insular situation, a constitution superior to any the world had ever known, with all the attendant blessings which followed in its train, had given us advantages and a degree of security which it would be the grossest blindness not to see and acknowledge, as it would be the height of ingratitude not to be thankful for them. The happiness of the people of this country was intrusted to our

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care, and we ought not to expose it to needless risk by taking upon ourselves the guardianship and protection of other nations.—He had already anticipated another objection that peace could not be effected, and that holding a specific language would only tend to dispirit our own people and to call forth anew the insolence of France. How far it was probable such a peace could be effected as it would become us to accept, he would not take upon him to say; but there was nothing of which he was more confident than of this, that whether effected or not, our plainly declaring our willingness to negociate must be productive of the happiest consequences both in France and Great Britain. In France, whatever insolent expressions might be used by any individual, it would infuse a principle of relaxation which would gradually work: the idea of our wanting to dictate a constitution to them would cease to operate to our disadvantage; the minds of the people would grow more and more alienated from their rulers, whilst groaning under the calamities of a war continued by their obstinacy, and the alienation would even extend to the convention itself. In this country, on the other hand, the effects would be just the reverse, and when we had once more so undeniably put our enemy in the wrong, if he might use the expression, when it was rendered perfectly clear, that it was not an over rigid adherence on our part to declarations we had once made, though a change of circumstances required a different line of conduct, but that it was the violence and ambition of our implacable enemy which prevented the return of the blessings of peace, he was persuaded the burdens and evils of war, however great and pressing, would be patiently and even cheerfully borne by a loyal and united people.

The sum of his opinion, therefore, was, that upon fairly comparing the dangers which would follow upon making peace with France, with those which were likely to follow from continuing the war, the latter were by far the greater. This was the question which it behoved every one present to put to himself. For his own part, he confessed, that knowing the disposition of human nature to carry on wars when the great objects of them had been relinquished, he always suspected himself in this particular, and felt it his duty carefully to look around from time to time, in order to see if there was any opening for the restoration of the blessings of peace. He could not think that there was any probability of effecting a counter-revolution by force of arms, sufficient to justify our continuance of the war, for that object, however desirable; he was even of opinion, that a counter-revolution had become more likely to follow from making peace. By continuing the war, we seemed to him to have little to get and much to lose; and he hoped he had in some measure succeeded in showing, that to negociate was no less consistent with our honour than our interest. It was by no means inconsistent in the House to change its conduct when the state of affairs had so materially changed, when two of the great objects we formerly had in view, the protection of Holland and our domestic tranquillity, were otherwise provided for, and when a counter-revolution appeared at length to be unattainable by force of arms. Under these circumstances he felt himself bound, however unwillingly to dissent from the Address which had been proposed, and he should conclude with moving an Amendment by inserting after the word "assistance," in the second paragraph, these words:

"To assure his majesty, that we are determined to grant the most liberal supplies for the purpose of enabling his majesty to act with vigour and effect in supporting the dignity of his crown the internal security of his dominions, and the good faith towards his majesty's allies, for which this country has been so eminently distinguished; and that, notwithstanding the disappointments and reverses of the last campaign, we are firmly convinced that, from the unremitting exertions of his majesty, and the spirit and zeal which have been so generally manifested, throughout the kingdom by a people sensible of the advantages they enjoy under his majesty's government, we may promise ourselves (by the blessing of divine Providence) complete security from the attempts of foreign or domestic enemies: That at the same time, we beg leave most humbly to represent to his majesty, that, upon full consideration of all the events and circumstances of the present war, and of some transactions which have lately passed in France, and also of the negociation entered into by the States General, we think it advisable and expedient to endeavour to restore the blessings of peace to his majesty's subjects, and to his allies, upon just and reasonable terms: but that

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if, contrary to the ardent wishes of his faithful Commons, such endeavours on the part of his majesty should be rendered ineffectual, by the violence and ambition of the enemy, we are persuaded that the burdens and evils of a just and necessary war, will be borne with cheerfulness by a loyal, affectionate, and united people."

Mr. *Duncombe* seconded the amendment.

Mr. *Burdon* said, we had entered into the war, not for the purpose of conquest or indemnification, but to repel an unjust aggression, and bring the French back to their senses. The French were, in a great measure brought back to their senses; and he could not see the policy of persisting in the war, because we disliked their form of government. He should therefore vote for the amendment.

Mr. *Windham* [secretary at war] said, he had heard with surprise and grief, the arguments in support of the amendment. What was their obvious tendency? Submission, humiliation, degradation before an inveterate and insolent enemy. It was absurd to say, that a display of our force would cure the evil; for the very act of offering to treat, or suing for peace, would be a confession of weakness that could not be done away. Did the French Convention act thus, when the confederacy against them appeared the most powerful and they were pressed by the arms of the allies in every quarter? No, they remitted nothing of their lofty language; they never once talked of peace. It was proposed to consent to nothing less than a safe and honourable peace, while it was acknowledged in the same breath, that no peace, concluded under the present circumstances, could be safe; while it was alleged, as an argument, that we might make it safe, by keeping ourselves on our guard, and prepared for war. The war, it was true, had been unsuccessful; but it had been so only as compared with the wishes, the hopes, and the force of the confederacy. It had been unsuccessful from conduct, on the part of some of the allies, of which, for the honour of nations, he hoped the instances would be few. It was not unsuccessful, compared with foreign wars in which this country had been engaged. Look at the history of our wars with Louis 14th which continued with little interruption, for twenty years after the revolution. In those wars we and our allies had been much more unsuccessful than in the present war, and yet, by spirit and perseverance, we triumphed in the end. All, therefore, that could with truth be said was, that the war hitherto had had only a negative success. If the enemy had over-run part of the territories of our allies, we had in our hands very valuable possessions of theirs, which rendered the war, however unsuccessful as to the main object of it, not unsuccessful with regard to us individually. The circumstance from which the greatest danger appeared, and of which he had seen an alarming symptom in the speeches of gentlemen who spoke for the amendment was, that the country was not true to itself; it had not put hand and heart to the war, as on former occasions, when the stake was not so great, and the crisis far less formidable. This was owing to several causes. The French revolution, in its earlier stages, was looked upon with a favourable eye by the people of this country. We all regarded it as the virtuous effort of a great nation, to correct the abuses of its government: as the friends of liberty, we looked upon it with an indulgent eye; and although we saw things which we could not approve, we were willing to hope that the evil would be transitory, and the good permanent. Yet even at that time there were not wanting men of great and comprehensive minds to warn us of the consequences that must necessarily result from the principles on which the French revolution was proceeding. A right hon. gentleman (Mr. Burke) who, he regretted, was no longer a member of that House, in a book, which he would advise all who heard him once more to read, and predicted the evils that must necessarily ensue from their doctrines of liberty, equality, and the rights of men. It was his fate not to be believed at the time, and afterwards to be found completely right. Then came the opinions of those who, having favoured the French revolution at its commencement, could not so soon as others detach their affections from a system that had led to massacre and ruin. The imaginations of the people at large continued to be amused, as he and those with whom he had now the happiness to act contended, by a numerous and active party infected to the bone with French principles, and intent on the subversion of the British constitution. Societies formed by this party had propagated doctrines the most hostile to the interests of the country. But it was said the members of these societies had been acquitted by the verdict

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of a jury; and gentlemen talked of their innocence in a tone of exultation. He wished them joy of the innocence of an acquitted felon.—[He was called to order by Mr. Maurice Robinson, who said he could not hear without indignation the term felon applied to a man who had been acquitted and the verdict of an English jury arraigned and degraded.] — Mr. Windham explained that he did not mean to arraign here the verdict of a jury; he meant only to say that the acquittal of the persons who had been brought to trial for treason, although proof that there was no legal evidence of their guilt in the opinion of the juries, by no means proved that they were free from moral guilt. The evidence in his mind established the direct contrary. The minds of the people, as he had before observed, were agitated by a party here, countenanced and supported by men of great consideration, who, in support of their own views were willing to receive the aid of men whose views they knew to be very different, and so made a common cause with them. The French revolution in a very early stage proclaimed universal peace; and all who applauded this visionary doctrine continued to applaud those by whom it was promulgated, even after it was seen that their practice led only to war and devastation. These were some of the circumstances which had rendered the prosecution of the war on our part less vigorous than it ought to have been. He maintained, that our interference in the internal affairs of France, when that interference became necessary for our own safety, was wise and just. It was the distrust of this which had unnerved our exertions, and prevented us from interfering so soon as we ought to have done. The advantages of war or peace were not to be estimated by the territory or the trade we might gain or lose. No nation could say—Let us be disgraced provided we grow rich; if it did, what security was there for the continuance of its riches? When he received advice, he must consider both the advice itself, and those from whom it came. Approving or disapproving of the French revolution must in future decide and distinguish the political characters of men. They were extremes irreconcileable and what was fit for the one could never be good for the other. When, therefore, any man offered him advice, he would first ask to which of the two descriptions he belonged; and if he found him to differ in this essential point from himself, he would say, "This may be good advice for you, but cannot be good advice for me." The people of this country, he trusted would in future think this distinction as strongly marked as he did. He could not see upon what principle, or with what propriety those, who, originally considered the war as just and necessary, could now change their opinion. The hon. gentleman who moved the amendment, had, as far as his single vote went, contributed to embark his country in the war; and having done so, was it fair on disasters, perhaps merely casual and temporary, to abandon it. The confederacy against the common enemy was not to be considered as dissolved because one or two of its members had withdrawn. Even if it were dissolved, how long was it since we entertained the idea that Great Britain alone was not able to cope with France? With respect to the number of the well-disposed inhabitants of France, there was no reason to believe that our chance of co-operation within the kingdom was less than it had been at any former period. He was astonished at hearing any man talk of the stability of the French government, which exhibited nothing but a succession of changes, and these changes generally effected by violence. Peace was not more likely to be obtained for our asking for it. If it were, what would then be the situation of this country? A situation so awful, that he durst hardly contemplate it. The intercourse between the two countries must be opened: the French would pour in their emissaries, and all the English infected with French principles, whom we had now the means of excluding, would return to disseminate their abominable tenets among our people. With what views would they come? With the views very forcibly expressed in a song performed with great applause in one of those innocent societies, as they were now called, a stanza of which he recollected,

"They come, they come, the myriads come,
From Gallia to invade us;
Raise, raise the pike, beat, beat the drum,
They come, like friends, to aid us."

A jacobinical club would be erected at every one's door of property, an inquisition immediately instituted respecting his right to it; and a convention might be even established in the neighbourhood of that house. In this situation of danger, then, shall we send a submissive commission to them? If the aggression of the Spaniards at Nootka Sound, a place scarcely marked in our maps, called forth

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the threatening vengeance of this country; if our own territories are not dismembered, our resources almost untouched, should we give up a war, in comparison of which all former ones are as children's play, and all peace must be ruin? The moment that peace was concluded, they would go among our poor, among our labourers, among our manufacturers, and teach them the doctrine of liberty and equality. They would point out the gilded palaces of the rich, and tell them that they ought to be plundered and demolished for the benefit of the poor. True it was that the poor man had as great an interest in the security of property as the rich; but could this argument be made so clear to the poor man as to persuade him to respect the property of his wealthy neighbour while he had no property of his own, or as it might be, for such was the necessary order of society, the means of obtaining any when he stood most in need of it? Such a peace would be worse than any probable event of war. But of the future events of war we had no reason to despond. Exertions greater than the country could make at any former period, were now so lightly borne as hardly to be felt. Who could say that he had felt them; except those whose expenses were so near the whole extent of their means, that the least accident, either in peace or war, must reduce them to distress? Had the poor felt them, unless in a few particular and local instances? Had those who were constantly telling the poor of the miseries of war, been obliged to curtail a single luxury? What member of that House had deprived himself of any of his wonted gratifications? [Here Mr. Sheridan reminded him that the members were not the poor.] He acknowledged that the members were opulent and the representatives of opulence; but he held it as a maxim, that if the rich felt no suffering, the poor also were not likely to feel any. The cause for which they were fighting, it had been said, would animate the French, and render them invincible. Where had this invincible courage appeared? In what instance, in what quarter had the courage of our soldiers and seamen been inferior to theirs? Sorry he should be if we could not do for the best of all causes, what the French could do in support of every thing the most flagitious. The French emigrants in our service in every instance had displayed a valour and perseverance not surely to be exceeded by their infatuated countrymen against whom they were reduced to the necessity of taking up arms. He dwelt at some length on the unimpaired resources of this country compared with the unnatural, and consequently unsound resources of France, from which he inferred, that whatever present appearances might indicate, we must be ultimately successful. It was not the character of the English easily to despond. Perseverance and invincibility were their characteristics. They had met France single-handed in her proudest day; what, then, could hinder us, unimpaired, to go on with the war with a nation whose capital was with accelerating rapidity wasting away, and itself upon the brink of poverty? With such a pandemonium, was it possible for us for a moment to think of treating? They were bleeding to death; our wound as yet was but skin-deep. He exhorted the House to imitate the perseverance of the French, who endured every hardship, and in all their domestic contests, to do them justice, never forgot the common cause of their country. He concluded with recommending the advice given by king William to his parliament after an unsuccessful campaign; that by persevering they might hope with confidence to preserve their religion, liberties, and constitution, if they were not wanting to themselves, and displayed the patient spirit of Englishmen.

Mr. *Bankes* expressed himself equally astonished at what had fallen from the right hon. gentleman, as that gentleman had stated himself to be, at the speech of his hon. friend who moved the amendment; a speech which was replete with that manly and decided reasoning, which so strongly characterized every opinion advanced by his hon. friend. He did not, however, feel much surprised, that any person who had been so strenuous an advocate for an early and premature commencement of the present war, should continue so warm in his approbation of its continuance. For his part, he approved of the war in its commencement, because he considered it as a war of aggression on the part of our enemies; he should continue still to approve of it; did he not consider it as ruinous and destructive in its effects. But there must be some period for restoring peace. He lamented to see that period put off, by the speech from the throne and the address, to such a distance as af-

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forded little prospect short of an eternal state of warfare. Were we never to treat with France while France had a republican government? Those who answered in the affirmative ought to be able to show that the republican government of France must be speedily dissolved. If they could not show this, as he thought they were unable to do, it was no symptom of fear to say, that a war of such indefinite duration must be productive of inevitable distress, and that it was wise and prudent to look to the earliest opportunity of making peace. It seemed to him, that the French republic would last longer than the war system could last. He was happy in believing our resources to be as great and extensive as could be stated by the warmest admirer of ministers, but extensive as they were, should the war be continued until the overturning of the French system, it was his firm opinion a national bankruptcy must be the consequence. We must treat some time or other, and the earliest time was the best. The allies with whom we had engaged in the war were much more deeply interested in it than we were. One of these allies was negociating; the co-operation of another even money could not buy; and the complete assistance of the emperor we were not to expect gratuitously. Was Great Britain singly, or at her sole expense, to fight the battles of all those allies? There was no degradation in offering to treat on fair and equal terms. True magnanimity consisted not in haughtiness, but in candour and plain dealing. If we were at war with an acknowledged power, we might have peace in the worst event by some sacrifice of commerce or of territory; but in the present war we staked every thing, for we said we would not treat with the existing government of France, and held out no prospect but that of extermination on the one side or other. We ought, therefore, to explain to the French that we were willing to treat upon equitable terms, and that we had no intention of interfering with their internal government. He was convinced that the risk incurred by making peace was infinitely less than that of continuing the war, and should therefore vote for the amendment.

Mr. *Buxton* said, there was nothing in the address that declared we would not treat with the French Republic. He lamented the arguments for discontinuing the war, which he had no doubt would be read with acclamation in the French Convention. Feeling, as he did, the distresses of the country, and having seen them to be great, he would rather spend his last shilling, and shed the last drop of his blood, than submit to treat with the present rulers of France.

Sir *Richard Hill* said:—Sir; I have always understood that an address of thanks for a speech from the throne, carried with it a degree of personal respect to the throne itself. Happy, then, should I esteem myself, could I give my voice for the original motion this night, but if I am thereby to be looked upon as pledging myself to a continuance of the war, I cannot in conscience do it. How, Sir, can I again look my constituents in the face, were I to vote the money out of their pockets, and the blood out of their veins, in support of a war which has hitherto been disastrous in the extreme; and which, if persisted in, I am persuaded will be most awful in the event. It is true, when the war first took place, I voted for it as a war of justice and of necessity. I was convinced that our alarms, both as to internal and external danger, were far from being chimerical, and I thought, and do think, that much praise was due to government for their timely exertions for the safety of the country. But when our last campaign was ended, and we had fulfilled every engagement with our allies (who, by-the-by, had fulfilled none with us), I was exceedingly grieved to see that ministers were bent on prosecuting the war; and should certainly have voted for a motion made for peace, towards the close of the last session, by a right hon. gentleman (Mr. Fox), had it not been for something which fell from the chancellor of the exchequer in the course of the debate, which was, "That the French Convention would declare any of their members a traitor, who should but mention peace with England." This decided my vote that night; but let it be observed, that the sanguinary faction of Robespierre then ruled. Since then several months have elapsed, during which we have been "prosecuting the war with vigour," as it is called. But what have we, or our allies, gained by it? I believe the word "ruin," will answer the question for all the parties. But have any steps been taken by us to put an end to the war? I fear none at all. On the contrary, have we not been soliciting, bribing, courting, wooing, kings and emperors to carry on the war, almost whe-

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ther they would or not? and with what difficulty have they at last been coaxed to defend their own territories with English money! To bring this matter to a short issue, is there, or is there not, an opportunity of making peace on any tolerable terms? If it be said, yes, then in God's name, let us endeavour to do it without delay. If no, then let us withdraw our forces from the continent, and keep them to defend ourselves. Let old England add to her wooden walls, by which she has ever proved herself mistress of the ocean, and shouted on the vast theatre of the globe, that "Britannia rules the waves." I would not be understood, from any thing I have said, to lay our miscarriages at the door of the right hon. gentleman; I believe he inherits his illustrious father's sentiments with regard to continental wars, insomuch, that what one of our own poets said of a quondam great minister of France, may justly be applied to him: "Peace is my dear delight, not Fleury's more." I believe he kept off war as long as in prudence he possibly could. But he has been unfortunate; things have turned out contrary to his expectations; and I sadly fear, that unless the present system be abandoned, no change for the better can be expected. Under this persuasion, I give my hearty approbation of the amendment.

Mr. *Pitt* said:—I should not have endeavoured, Sir, to have engaged your attention at the present moment, had not a sudden indisposition seized me, which I was apprehensive might, at a later hour, have incapacitated me from entering fully into the discussion of a question, upon which I must be supposed to feel most anxious to deliver my sentiments. I am aware, that there are some gentlemen with whom the original opinions, which they have expressed on the war, prevent me from entertaining any hopes of concurrence. But there are other gentlemen, who, having supported the war at its commencement, have been led, by the disastrous events of the campaign, to change their former sentiments, and to withdraw their former support. It is with these gentlemen that I shall consider myself more immediately at issue. And, Sir, I must first make some remarks on the arguments which they have drawn from the words of the address. To this address they say that they cannot give their assent, because it pledges them never to make peace with the republican government of France. I do not consider that it does so pledge them. It says only, that with a government, such as the present government of France, we cannot treat on terms that can be deemed secure. And, Sir, where does there exist this imperious necessity to sue for peace? Are we sunk down and depressed to such an absence of hope, and to such a want of resources? If we were indeed so calamitously situated—if we were indeed so devoid of hope, and so deprived of resources—if the continuance of the war produced so intolerable a pressure, then, perhaps, we might consent to a change of system. I am ready to confess, that I can conceive an imaginary case of a peace being made with the government of France, even in its republican form; but I will fairly say also, that I have no idea of any peace being secure, unless France return to the monarchical system. That there may, however, be intermediate changes that may give the probability of a peace with that country, even should it continue a republic, I am ready to allow, though I certainly think that the monarchical form of constitution is best for all the countries of Europe, and most calculated to ensure to each of them general and individual happiness. Considering myself, therefore, as I said before, principally at issue with those who now, for the first time, dissent from the prosecution of the war, I am content to deliver my sentiments before I hear the arguments of some gentlemen, who will probably enter into a more full discussion than the subject has yet received.

Sir, the reasons that have induced gentlemen to dissent from the prosecution of the war, seem to have possessed a considerable influence on the manner in which they speak of the justice and necessity of the war at its commencement: and their language is now fainter and feebler than I had reason to expect. Contending, as these gentlemen and I did, with the new and monstrous systems of cruelty, anarchy, and impiety; against those whose principles trampled upon civilized society, religion, and law—contending, I say, with such a system, I could not have entertained the slightest expectation, that from them would have proceeded such an amendment.

It has pleased inscrutable Providence that this power of France should triumph over every thing that has been opposed to it! but let us not therefore fall without

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making any efforts to resist it;—let us not sink without measuring its strength. If any thing could make me agree to retire from the contest, it would be the consciousness of not being able to continue it. I would at least have no cause to reproach myself on the retrospect. I would not yield till I could exclaim,

——Potuit quæ plurima virtus
Esse fuit: toto certatum est corpore regni.

If, Sir, I have expressed myself with more emotion than is consistent with the propriety of debate, the particular situation in which I stand, opposing and contesting the opinions of those, with whom I have been, on all occasions, in almost all points, fortunate enough to agree, will, I trust, excuse the warmth of my feelings.

The arguments used by my hon. friend, in support of his amendment, may be divided into two classes: the impolicy of continuing the war, and the insecurity of peace. One of the arguments which he uses in support of the impolicy of continuing the war, is grounded on the recent changes that have taken place in France. My right hon. friend's speech was a sufficient answer to that argument. The change that has taken place in France is only the change of an attachment to a name, and not to a substance. Those who have succeeded to the government since the fall of Robespierre, have succeeded to the same sort of government. They adopt the same revolutionary system; and though they have made a more moderate use of their power than Robespierre, yet they differ from him only about as much as Robespierre did from Brissot, who incited the war against this country. The present government, therefore, deserves no more the name of moderation than that established by Brissot and his followers, who committed the unprovoked aggression against Great Britain. The system of the present governors has its root in the same unqualified rights of man, the same principles of liberty and equality—principles by which they flatter the people with the possession of the theoretical rights of man, all of which they vitiate and violate in practice. The mild principles of our government are a standing reproach to theirs, which are as intolerant as the rankest popish bigotry. Their pride and ambition lead them not so much to conquer, as to carry desolation and destruction into all the governments of Europe. Have we any right, therefore, to suppose that victory and triumph can produce so great a change in their detestable principles, or that success is such a corrective of all those vicious qualities that pervade their principles and their practice?

Do the gentlemen who now desert the war, expect that a peace can be obtained, of such a nature, as has been so well described by my hon. friend (Mr. Canning)? Do they hope for a free and useful commerce? Do they expect that the armies on both sides will be disbanded, and the fleets be called home? Do they mean to put an end to the traitorous correspondence act? I believe not. I can easily suppose that those gentlemen who have, in an early part of the evening, so decidedly given their opinion with respect to the late trials, and who have supposed all the persons in this country to be so pure, as not even to be infected by contact with Jacobin principles, would foresee no danger from a French alliance, and would look forward with satisfaction to the consequences of such a measure. But such is not the case with my hon. friends, who even, in such an event, talked of the necessity of additional precautions, in order to guard the dignity of the crown, and preserve the tranquillity of the country. What then would be the rational prospect of advantage to this country from a peace with an enraged enemy, in which there could exist no confidence on either side, but which must necessarily give rise to a state of jealousy, suspicion, and constant armament? How long would this state of trouble or repose last? How will you come to the contest when it is renewed? If you disband your armies, if you diminish your force, you will then put an end to that machine which, under the two first years of a war, can barely be said to have been raised to a point high enough to try the strength of the country. Disband your force, and see if the same means and the same period can raise it again to the same point. You will then be opposed in another war with a diminished military power to an enemy who may have found it as difficult to disband his armies, as you would find it difficult to collect fresh forces. They will again be prepared to start with the same gigantic resources, deriving fresh confidence from the disposition which you had shown to peace, and new vigour from the interval which had been afforded to hostilities. But will that be all? What assist-

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ance can you expect from the continental powers, if you dissolve the confederacy? And can you expect to assemble such a confederacy again? Suppose the enemy made an attack upon Holland, Prussia, Austria, Spain, and the states of Italy, or all or each of these; on what grounds, I would ask, could you rouse the spirit, or raise the vigour of this country again, when, from a sense of your inferiority, you have before given up the contest at a period when the confederacy was at its height? On the event of this night's debate, may depend what shall be your future situation with respect to your allies. If you do not now proclaim your weakness, if you do not renounce your prospects, you have still great hopes from the alliance of Europe. Prussia, Austria, Spain and the states of Italy, are yet in such a situation that their assistance may be looked to in carrying on the contest. —The hon. gentlemen who supported the amendment, disclaimed the language of fear; they said they knew what Great Britain could do, if once it was roused. What then is to be inferred from all their former professions? Is this a business, in which, after all, we were not serious? Is this cause, which has been admitted to involve not only the most important interests of Great Britain, but the safety of Europe, and the order of society, not considered to be of such a nature as requires all the energies of the country? What then is the greater necessity to which they looked? what the occasion on which they deemed that they could more worthily employ their efforts? If we should dissolve the powerful confederacy with which we are now united, could we hope again to bring it back at our summons? and shall we not, in the case of a fresh rupture, be exposed alone to the fury of France, without the smallest prospect of assistance from any other quarter? Besides, I think I shall show you that you are desired to relinquish the conflict, at a time when all the national and artificial resources of your enemy are verging to a rapid dissolution.

I must now take notice of a speculation which has been indulged—that if you withdraw, France will return to some more moderate system of government. I ask whether we ought to put ourselves in such a situation of hazard, which if decided against us, would involve us in much greater calamities than we have yet experienced, and would reduce us to a situation in which we should be without means and without resources? When it is said, therefore, that a peace will have the effect to overthrow the government of France, the proposition is by no means clear; the probability is much greater, that the persons now at the head of the government, will, in order to continue their own power (and in France, it is to be recollected, that the continuance of their power is connected with that of their lives, so that, in addition to the incentives of ambition, they have the all-powerful motive of self-preservation), be induced to continue the same system of measures that now prevails. Obliged as they would be to recall a numerous army from the frontiers, will the troops of whom it was composed, after having tasted the sweets of plunder and the licence of the field, be contented to return to the peaceful occupations of industry? Will they not, in order to amuse their daring spirit, and divert from themselves the effects of their turbulence, be compelled to find them some employment? And what is the employment to which they will most naturally direct their first attention? They will employ them to crush all the remains of courage, loyalty, and piety, that are yet to be found in France, and extinguish all that gallant and unhappy party, from whose co-operation we may promise ourselves, at any future period, to derive advantage. What else can be expected from those moderates, who, though assuming that appellation, have, in succeeding to the party of Robespierre, only established themselves on a new throne of terror? Thus the peace which is in the present instance proposed, as the means of safety, will ultimately only operate to ensure the work of destruction. This being my feeling, my objection to asking for peace is, that peace, under the present circumstances, is not desirable, unless you can show that the pressure is greater than, as I shall prove to you from a comparative view of the situation and resources of the two countries, it is.

But this is but a small part of my objections to the measure. My next objection is, that my hon. friend has not told us what sort of peace we are to have: unless, therefore, he state this, I say, that they would reduce us to a gratuitous loss of honour, and an unnecessary despair. On the kind of peace we might obtain, I will ask my hon. friend, whether he will say that we ought to leave the

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Austrian Netherlands in the possession of the French? He will not say so. I have heard it stated in passing, that the ground of war has been done away by the Dutch negociation for peace. However paradoxical it may appear, I assert that the safety of Holland, even if she do make peace, depends on our being at war; for if both countries were at peace, then France would be left without restraint. Who that looks to the proceedings of the convention, does not see that it is their policy, on every occasion, to keep up their arrogant and menacing system, and to hold a high tone of superiority with respect to all other nations? By these means they have contrived to cherish that spirit of enthusiasm among the people, which has enabled them to make such extraordinary exertions, and on which they depend for the continuance of their power. But who, I would ask, will say that France will make peace on terms, I will not make use of the word moderation, but of concession, when you make peace from a confession of her superiority? And this naturally leads me to an assertion made use of by me during the last session (an assertion not accurately alluded to by an hon. baronet), relative to the degree of the National Convention of the 13th of April, which states, that the preliminary of peace must be a recognition of the unity and indivisibility of the republic, on the terms of equality; —a decree which has neither been repealed nor modified, and which, if you make peace during its existence, would sign the dissolution of your parliaments and of your present system of civil society. Again, I say, that if this were only an ordinary war, and if after two years you had gained the West-India islands as an indemnification, and had been convinced of the strength of your own resources, and that the means of the enemy were decaying, would you consent to make concessions in order to obtain peace? You received the West-India colonies into your protection: will you then give them back to a system, under which they can have no protection? I say we cannot do this without being convinced that the further continuance of the war could only produce misfortune, misery, and ruin. Will you add something more terrific to the colonies than all the horrors of that miserable trade which has peopled those miserable colonies?

Before, too, you made such a surrender, there is another question to be considered; no less than whether you would afford to the French an unresisted opportunity of working upon the unfortunate system that now prevails in that country, and introducing their government of anarchy, the horrors of which are even more dreadful than those of slavery. To those who have in common deplored the miseries of the unfortunate negroes, it must appear astonishing, that any proposition likely to be attended with such consequences, could ever enter into the mind of my hon. friend. Besides, it is impossible to ascertain what a wide-spread circle of calamity the adoption of this proposition may produce. If once the principles of Jacobinism should obtain a footing in the French West-India islands could we hope that our own would be safe from the contagion? If it has been found scarcely possible to shut out the infection of these principles from the well-tempered, and variously blended orders of society which subsist in this country, where a principle of subordination runs through all the ranks of society, and all are united by a reciprocity of connexion and interest, what may be expected to be their effects operating upon the deplorable system pervading in that quarter? It would be giving up your own colonies speedily to be devoted to all the horrors of anarchy and devastation. Such would be the *status quo*. That the *status quo* would probably not be accepted, I have before argued. Will the country, therefore, consign itself, if not to the language, at least to the posture, of supplication?

With respect to our situation, I have not heard it so fully stated as it is my intention to do. Of the last campaign I shall not be suspected of a wish to conceal the disasters, to deny the defeats, or to disallow the bad effects of the wounds inflicted on the two great military powers of Europe. But can I forget what the energies and perseverance of Britons have effected in former wars? Or that constancy from a point of honour in greater difficulties has at length produced the object at which it aimed? Will any man say, that the bare event of military disasters, and territories taken, is a fair way of weighing the resources of the belligerent powers? No, not in any wars, and least of all in this, as far as it relates to this country. All wars depend now on the finances of the nations engaged in

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them. This observation particularly applies to the present war. The balance of territorial acquisitions and pecuniary resources is in our favour; and I am not afraid to assert, that, putting together what has been lost in territory, and what has been spent in money, yet with a view to resources, what has been lost by France is more in point of permanent value and present means than the losses of all the allies composed together.

What, let me ask, are the resources of France? They exist by means as extraordinary as the events they have brought about—their pecuniary expenses are beyond any thing ever known—and, supported by requisition of person, life, and property, they depend entirely upon terror—every thing that weakens that system, weakens their means, and as the adoption of moderation saps it on one side, so the perseverance in attack cannot but pull it down on the other—take every part of it, one by one, view their expenditure, and then see, whether terror is not the instrument by which they have raised their extraordinary supplies, and obtained all their unexampled successes. Let us enter into a view of the actual expenditure of France. This expenditure, since the revolution, has amounted to the enormous sum of 480 millions, spent since the commencement of the war: 320 millions have been the price of the efforts that have enabled them to wrest from the allies those territories, which are now in their possession. What your expenses have been during the same period, I need not state. I ask now, whether it is likely that France will see you exhausted first? I think not. But it may be said, that what the French have spent, proves what they can spend. To this I reply, have they been enabled to bear this expenditure, by the increase of their revenue, or by any of the ordinary means of France? No: but by the creation of an unlimited paper credit. I desire gentlemen to look at all the debates of the National Convention, and they will find that all the deputies agree in this point—that they cannot increase the emission of the paper-money without ruin, and that the miseries arising from this system, aggravate all the calamities of the country. Many persons at first imagined that assignats must have stopped early in 1793. The fact undoubtedly was, that, previously to that period, it was thought the emission was greater than France could bear, and that no further creation could take place without producing a depreciation on the value of assignats, and an immoderate increase in the price of provisions. The whole circulating medium of France at the highest, was 90,000,000*l.* sterling. In August 1793, assignats existed to the amount of 140 millions; commerce was then declining; agriculture was discouraged; population checked; a forced loan of 40 millions was adopted on the idea, that to the amount of 130 millions they could not maintain assignats in circulation; as early as May or June, assignats had lost nearly half their value. A louis in specie soon afterwards produced 144 livres; then it was that the system of terror commenced, and that a system of credit was begun, which had its foundation in fear.

It may be asked, could any man have imagined that such a plan would have been resorted to? That it was resorted to—that it succeeded, has been proved. Let us look to the principles of it. There was a law which compelled every man to take at par, that which was worth only one-sixth of the sum for which it was taken; a law for the maximum of the price of all commodities: a law by which no person was permitted to renounce his occupation under the penalty of twenty years imprisonment. But you will tell me, that this proves how unlimited the powers and resources of the French are. My reply is, that such a system could neither be undertaken nor succeed but by means which could not last. I will not detain you by detail, but merely mention the other means of terror: the constant activity of the guillotine; the ferocious despotism of the deputies on missions. In addition to all the other engines of torture, Cambon, the mouth of the convention in matters of finance, tells us, that in every district there were revolutionary committees to watch the execution of the decrees of the convention, and to enable the convention to seize the spoil of the people; the pay of these committees amounted annually to 26 millions sterling, I say this standing army of revolutionary committees is a mean adequate to produce so mighty an end. Let us add now a new creation of assignats of 130 millions which increased the total to 260 millions. Will any man say that though the system of terror is done away, the effects can remain? When the system of terror was at

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an end the maximum ceased to be observed: assignats were then converted into money, and hence the discount became enormous. The fall of Robespierre took place in July; three months afterwards, the discount was 3-4ths per cent. or 75 on the 100. I have even the authority of Tallien for saying that the French cannot maintain their assignats, without contracting their expenses and diminishing their forces. And it should be recollected this has been their only resource. Is it then too much to say, their resources are nearly at an end? It is this unlimited power which the French convention have assumed to purchase or to seize all property, as suited their purposes that accounts for the stupendous scale of operations which they have been able to pursue. This circumstance completely solves the phenomenon, which otherwise would appear so inexplicable, and is adequate to all those miraculous effects which have attended the progress of the French revolution, and which seemed to baffle all reasoning, as much as they have exceeded all human expectation. In all these circumstances we have sufficient inducements to carry on the war, if not with the certainty of faith, yet at least with the confidence of expectation:—a war, the immediate termination of which must be attended with certain evil, and the prosecution of which, under the present circumstances, is at least not without great probable hope.

If we look to the situation of France, they are now attempting to have recourse to a milder and more moderate system,—a system which will only deprive them of those prodigious energies which they have hitherto exerted with such astonishing effect; but they no longer indeed possess the same means, and cannot therefore be expected to display the same exertions. Will it be possible for them all at once to restore the farmer to the occupations of agriculture, and the merchant to the pursuits of commerce, and to replace, in an instant, the devastations of war and plunder, by the arts of peace, and the exertions of industry? It will require years of tranquillity to restore them to the enjoyment of those ordinary resources, which they possessed previous to the commencement of the present destructive war—resources which they can no longer employ. For even could it be supposed that Robespierre were raised from the dead, they would no longer be qualified to display the same energies which, under his administration were called forth by the influence of a system of terror; the means by which these exertions have been supplied, are now exhausted. What can they possibly resort to for fresh supplies? Can it be supposed, that when the forced loan failed at the time it was attempted, it can again be tried and succeed in a time much more unfavourable to it, when the system of terror is almost dissolved? The question then is—have we, under the present circumstances, the prospect of being able to bring as great a force into the field, as will require from the French the same degree of exertion which has been necessary in the former campaigns? Even let it be supposed that Holland should fall, and that circumstances should be such that we can no longer look for assistance from the court of Berlin, yet I can see no reason to believe that, in the next campaign, we cannot increase the British forces on the continent to an amount that shall nearly supply the deficiency of Prussian troops, and act with more effect. Other powers look with attention and anxiety on this night's debate. If you afford to those powers the means of making large exertions, you will oblige France to make efforts to which she is now unequal. If you act with spirit I see no reason why the powers of Italy and Spain may not make a diversion, and thereby accomplish the important purpose I have before stated—a purpose in the accomplishment of which, the happiness, almost the existence, of Europe entirely rests?

Mr. *Fox* said, that fatigued and exhausted as he felt himself, and disgusted as the House must be at hearing a repetition of the same arguments upon which we had been first involved in a situation disastrous beyond example, if he did not endeavour to state to the House the necessity of adopting the amendment, or an amendment of some such nature, he should be wanting in his duty. On the conduct of the war, not a word had been said. The hon. baronet who moved the address, had declined all discussion on that head, expressing his belief, that those who were entrusted with the direction of it would give the necessary explanations at a future period. The time certainly would come for those explanations, or, at least for calling for them. At present, he wished gentlemen to consider the horrible picture which two of his majesty's minis-

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ters had given of our situation; that we were engaged, and must persevere in a contest, the issue of which involved, not territory or commerce, not victory or defeat in the common acceptation of the words, but our constitution, our country, our existence as a nation. Viewing this picture, he was glad that truth and reason had at length found their way to the minds of some men. He should have thought it strange indeed, if, while so many had separated themselves from him on differences of political opinion, there had been none to adopt the opinions which he still retained. Those who moved and supported the amendment now said, that the House of Commons ought not by their address to the crown, to pledge themselves never to agree to a peace with France, while the present republican government existed. Was this a new doctrine? Certainly not: but it was new to call upon the House for such a pledge. It was the first time of asking parliament to assure his majesty that they would never think it advisable to treat with the French republic on the present system, unless in a case of such imperious necessity on the part of this country as must preclude all reasoning; and he gave ministers credit for their candour in asking it thus fairly, and without equivocation. [Mr. Pitt intimated across the table that expressions in a former address pledged the House to this.] Mr. Fox said, he wished to give the right hon. gentleman some credit for candour, but the right hon. gentleman so detested the thing, that he could not endure even the name. He knew there were expressions in former addresses that might admit of such a construction; and, aware that they would be so construed when ministers found it convenient he had warned, but in vain, the House against adopting them. If, in the misfortunes of his country it were possible not to sympathize, he should feel some consolation in observing the effect of double dealing; of using words in one sense, with the intention of their being understood in another; of courting the support of some men upon one interpretation, and of others upon an interpretation directly opposite. If the minister had said candidly and plainly, in the first instance, "This war is undertaken for the express purpose of destroying the French government, and, come what will, we can never make peace while that government endures," he might not, perhaps, have had so many supporters, but he would have been saved the unpleasant feeling of this day's difference with his friends. His eagerness to obtain the support of all, led him to make use of equivocal words; and now his own friends told him, that they did not interpret those words as he did; that they thought the destruction of the French government a desirable object if it could be accomplished on reasonable terms; but that if they had imagined that peace must never be thought of till that government was destroyed, they would not have voted for the war. Here was an instance of the ministers deriving no advantage from equivocation. Here at length, was what he had so often laboured but without effect, to obtain;—a clear declaration of the precise object of the war, and of the terms on which alone we could hope for peace.

This led to the question of policy: and in proceeding to examine that question, he found another instance of ingenuousness. The speech from the throne, the mover and seconder of the address, admitted that we had experienced disasters in the course of the last campaign. The two ministers who had spoken on the subject, both said "they would not deny" that the enemy had over-run provinces and taken strong towns. They would not deny!—astonishing candour!—the accession of strength and integrity they had gained in the cabinet inspired them with such confidence that they felt bold enough to substitute plain dealing for shuffling and equivoque—and "they would not deny" that the enemy had over-run provinces and taken strong towns—when the true statement was, that never, in any one campaign, since the irruptions of the Goths and Vandals, had such reverses been experienced on the one hand, and such acquisitions made on the other. The French had not only driven the allies from France, and re-taken all the captured fortresses, but were now actually in possession of all the Austrian Netherlands, Dutch Brabant, a considerable part of the United Provinces, all the left bank of the Rhine, except Mentz, part of Piedmont, all the province of Navarre and much of Biscay and Catalonia.—Then ministers were ready to confess that the French had taken strong towns! Were so many ever taken in any five campaigns in the history of modern Europe? He should be told, it was acting the part of a bad subject to exaggerate the successes

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of an enemy; he would reply, that he was acting the part of an honest member of parliament, in telling the House truths which they ought to hear, as the only grounds of deciding properly; and reminding them of disasters which, not fortune, but folly, had brought upon the country.

On the means by which the exertions of the French had been hitherto stimulated, much declamation had been wasted. If we were ever to be, unfortunately, in the same situation with the French, we should then make similar exertions, and not till then. Why not make similar exertions now? Because we had not similar motives. That we were fighting for our constitution, our liberties, religion, and lives, did very well for rounding a period in a speech; but the people would believe none of all this, nor that they who said so believed it themselves. To him it was astonishing, how any set of men who did believe it could have so worked themselves up, as to risk such a war on the wild theories they had nourished in their own minds, or the applauses of those who were but too ready to applaud upon trust. To hear them, one would think, that no nation was at peace with France, or that, if, any were, it must already be undone. Was Denmark, Sweden, or even Genoa, notwithstanding our tyrannical conduct towards it, in a state of anarchy, in consequence of being at peace with France? Was America, whose own glorious constitution was founded on the rights of man? No such thing. With America the intercourse of France was great and constant; in America, French principles, more than in any other country—the principles of liberty and equality—might be expected to find a genial soil: yet America was so far from being thrown into a state of anarchy by the growth of those dreaded principles, that she had just obtained a very advantageous treaty of amity and commerce with this country—a treaty, as far as he had heard of it, which justice and policy would have dictated at any time, but which, he feared, the difficulties in which our ministers had involved themselves, rather than their justice or policy, induced them to give. Why, then, were we to be so much afraid of peace with France, when so many other nations had made the experiment without any mischievous consequences? When men were attached to theories they shut their eyes against the plainest and the strongest facts. The French revolution had now subsisted five years and a half, and in the sixth year of it we were told, that if we were to make peace with the present rulers of France, their terrible principles would spread anarchy and robbery and bloodshed, not only over this country but over all the world. Yet, though their successes had been brilliant beyond example—and how far success imposes upon the bulk of mankind, the right hon. the chancellor of the exchequer could tell better than most men—except in the petty state of Geneva, the revolution of which he did not know to be upon French principles, not a single revolution had their example produced. To us, however, it was said that their intercourse in time of peace would be most formidable. From Calais to Dover they would pour in upon us so many missionaries. What! had they none already here? Had not ministers told the House and the public, that for more than two years, Jacobin societies, corresponding with the Jacobin societies of France, had been labouring, with indefatigable zeal, to propagate Jacobin principles? Happily these emissaries, who knew the habits, manners, and language of our people, had been labouring without effect, nay, he was justified in saying so by ministers themselves; for, thank God, the king's speech, for the first time these two years, had nothing of an alarm in it. There must then, be something in the French language so agreeable, so soothing, so captivating, so intelligible to English ears, the French emissaries would be sure of success where English emissaries had laboured in vain for more than two years!

On the expression—"acquitted felon," which a right hon. gentleman had used, he hoped inadvertently, since he had thought it necessary to explain it, he should say nothing of how reprehensible it was, either in a constitutional or moral point of view. Of the societies then in the right hon. gentleman's mind, he believed the truest description had been given from the bench, namely, that "they wanted numbers, arms, money, and even zeal." This, he believed, would be found to be the accurate description of any society, formed in this country for the purpose of overturning the constitution. That there might be a few speculatists in this country, who would prefer another form of government to the present, he had no doubt; there were such in every country:

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and even these seldom had much zeal. But the English language would not do to seduce the people of England from their allegiance to the constitution. French emissaries must come over, and inculcate French principles in the French language. They must go among our labourers and manufacturers, and, as the calamities of war had proved insufficient to rouse them, tell them they were now exposed to all the calamities of peace! The right hon. gentleman last alluded to complained of want of zeal in the country. Surely our soldiers had not fought with less valour, nor our officers with less skill than in any former war. Whatever bravery or conduct could achieve, they had uniformly done; but it must be recollected, that the general exertion of a campaign depended upon the numbers brought into the field.

When he formerly made a motion in that House for peace, he found no want of zeal for war, no want of zeal to cry down any man who had the hardiness to oppose it; at least, he found enough and knew not to what greater length it could have gone, unless they had expelled him the House, or declared him a traitor, as they seemed to think a laudable practice in other places, towards any man who opposed the will of the majority. What was the cause of that zeal? Contempt for the enemy and confidence in their own strength and the cause being gone the effect had ceased. Such would ever be the case with zeal founded on false principles. Why were the zeal and exertions of the French less affected by ill success than ours? Ministers would answer: "They force every man into the field who is capable of serving, they strip every other man of whatever they want for the service of the army, and amid misery, wretchedness, and death, they produce an unnatural exertion by means of tyranny and terror." At the call of necessity, even such means must be resorted to. Were a French army to land in this country, declaring that they would make no peace with us, till we renounced our constitution and accepted of a form of government according to their fancy, who would deny that every man capable of serving against them ought to be compelled to service, and that every sacrifice must be made by individuals to repel the common danger? Such acts in such cases, instead of tyranny, became a virtue; and he was surprised to hear men of correct minds deducing arguments from them, of which they ought to be ashamed.

"Would we submit," it was asked, "to treat with the present government of France?" Submit to what? Submit to the French having a bad government? Had we not submitted to this for more than a century? Had we ever found ourselves uneasy under our submission to Persia having a bad government? Had we not submitted to all the injustice, cruelty and slaughter perpetrated in Poland? Then it was asked, "Would we submit to propose peace?" If all nations were to stand upon this point, no war could ever be concluded, but by the extermination of one or other of the contending parties, for one or other must submit to propose peace. But to propose peace was no submission, no degradation. Peace had often been proposed by the victorious party, and this had always been deemed an act of wisdom and magnanimity, not of concession. What were all the other degradations and submissions but lofty words and unmeaning phrases?

We had once said, that we would never treat with the present government of France. Take away this impediment to peace, and every advantage we obtained afterwards, if the war must be continued would be something in our favour; whereas while that remained, our successes would only stimulate the enemy to fresh exertions, by fresh sufferings and fresh sacrifices; for it was impossible to suppose that the French government would ever negociate for its own destruction. Would not this give a clear sanction of justice to the war? Would it not produce unanimity with greater zeal and exertion at home, by convincing every man that we were not at war for unreasonable or impracticable objects, but to bring an unreasonable enemy to equitable terms of peace? But what might it not be expected to produce in France, where, as ministers said, the government was perpetually changing from hand to hand, and the loss of power marked the period of life? Ministers were always speculating on the internal affairs of France; why not try a little of this speculation. The convention, they said, deluded the people by telling them that they were waging a war of extermination. To offer to treat would put an end to the delusion, the people would open their eyes, and the convention must give them peace or meet the extermination which they were said to denounce against others.

The present state of the war was cala-

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mitous beyond example. We had gained Martinico, Guadaloupe, St. Lucia, and part of St. Domingo, in the West-Indies, with Corsica in the Mediterranean. Our allies had lost all he had enumerated in the former part of his speech. If these astonishing exertions of the enemy by land had impeded their exertions by sea, it would be something; but, unfortunately, the prediction in one of the king's speeches, that their navy had received an irrecoverable blow at Toulon, was already falsified. Was it not true, that a fleet had already sailed from that port superior in point of number to our fleet in the Mediterranean? Their naval exertions at Brest had afforded lord Howe one of the most glorious triumphs in the annals of our history. If their navy had been such as ministers represented it at the commencement of the war, viz. a navy only upon paper, lord Howe would not have had the glory of beating an enemy of superior force. But even that blow proved not to be irreparable, for they had now a fleet at sea which it was doubtful whether we could immediately collect a sufficient force to drive from the English channel. These circumstances were matter of very serious consideration to every man who felt for the honour and safety of his country. If the war should go on, must we not expect, from what we had seen, that the enemy would again dispute with us the superiority at sea? The skill and courage of our navy he confided in as unmatched by any nation in the world; but skill and courage could not always compensate for inequality of force, and as our chance of victory was greater, so was our stake. The defeat of the French fleet, as we had so lately experienced, would be of little consequence to the general issue of the campaign, while the defeat of our fleet would be little short of absolute destruction. Why, then, expose us to such unequal risk? It was admitted, however, that when disaster had subdued obstinacy and extinguished hope, we must make peace, even with the French republic. Then, indeed, all that was now imagined of humiliating and degrading would be true; we must throw ourselves at the feet of those we had contemned and reviled, perhaps exasperated, and submit to whatever terms they thought fit to impose. Why expose ourselves to the bare possibility of such ruin? Why not renounce the visionary project of overturning the present government of France? If after that they abused the peace we made with them, we should do as we had done with France before, contend for superiority with the same stake and the same exertion. If asked, what terms of peace he would advise, he would answer, that to adjust the terms was the business of ministers, who alone possessed the necessary information. Let them propose such terms as, on a consideration of all the circumstances of the relative strength of the contending parties, of what might be gained and what lost on either side, they should judge to be fair and equitable; and, if these were refused we should be in a better situation than before, because both parties would know what they were fighting for, and how much the attainment of it was worth.

Another difficulty arose from the French royalists. Thank God, he was innocent of whatever might befal these unfortunate men! He had deprecated the war in the first instance, and after its commencement, every act which could give the French emigrants reason to expect our support in their pretensions upon their own country. Next, it was said: "Will you give up the West-India islands; will you deliver over those men to the vengeance of their implacable enemies, who, as the price of your protection, assisted you in taking those islands?" To these questions, let them answer who had sacrificed the French emigrants fighting in our pay, in almost every garrison we had been compelled to surrender, who had thrown men into situations from which they could not be extricated, nor yet receive the ordinary protection of the laws of war. These might be difficulties to the minister: these might be reasons why he could never be able to extricate himself from the business with honour; but it was the nation's honour, not the minister's, about which he was anxious.

The hon. baronet who moved the address, had expressed his hopes of a unanimous vote in support of it. If it were to be voted unanimously, this country could never make peace with honour; if there were a division upon it, part of the country would come out clear. In his majesty's speech, there was no mention of allies; it was only said, "that his majesty will omit no opportunity of concerting the operations of the next campaign with such of the powers of Eu-

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rope as are impressed with the same sense of the necessity of vigour and exertion." Who those powers might be we were left to conjecture. The Dutch, however, we were told, were negociating, and the king of Prussia, we knew, had failed. The hon. gentleman who seconded the address, had given him the credit of predicting this failure; but had added, that he himself had predicted the fall of Robespierre and various other matters which had also come to pass. The hon. gentleman might have predicted that it would be a dry summer or a rainy autumn; he resigned to him all the honour of prediction. For his own part, he had predicted nothing; he had only used the best arguments he was able, to show that, from the past conduct of the king of Prussia, there could be no reliance on any engagement he might enter into with us; and the event had shown that those arguments were well founded. The minister himself would not now promise us any assistance from the king of Prussia beyond his contingent as an elector of the empire, even on the treaty of 1787. But the emperor was to make a great augmentation of his forces, by money borrowed on our credit. Why on our credit? Plainly, because he had no credit of his own. Were there no monied men in the emperor's dominions? Were the capitalists of Europe so short-sighted, so slow in perceiving the advantages of an imperial loan, that they could not see them, till pointed out by our government? They saw the advantages; but they would not lend their money, because they knew the borrower was not to be trusted. The loan was neither more nor less than a subsidy under another name, a distinction so flimsy and so trifling, as he had hoped never to have seen attempted by the ministers of great potentates.

Mark, then, the desperate situation to which we were reduced. The only ally from whom we had any hopes of efficient aid was the emperor; and from him, for the enormous sum of six millions, we might get as good and as useful a subsidiary treaty, as was our treaty with the king of Prussia last year. The emperor, it would be said, had more faith—so it was said of the king of Prussia; but he had very little confidence in the faith of the cabinet of any absolute monarch. During the American war, a noble marquis then commanding a separate army, expressed his great surprise at finding the people of Virginia so like the people of Carolina. Next year we might have to express our great surprise at finding the king of Bohemia so like the elector of Brandenburgh. He would agree to put the whole argument on the opinion of any experienced officer who had served the last campaign on the continent, whether or not there was any rational hope of co-operation between the English and the Austrian army? They hated one another more than either hated the French; and from the battle of Tournay, where the Austrians fought the whole day, or rather stood the whole day without fighting, and the enemy were repulsed by a detachment of the British army, their mutual complaints and recriminations had been incessant.

But the finances of France were exhausted, and therefore we ought to try whose finances would hold out the longest! Into this part of the question he would not enter, because we were told the very same thing last year, and on the very same arguments. The king's speech last year said the resources of the French were rapidly declining; but "rapidly" was only a relative term; they were again rapidly declining this year; and so they might be ten years hence. The fall of Robespierre—he seemed a great favourite on account of his power—it was said had relaxed the terror, and consequently the energy, of the French system. The fall of Robespierre, from the stress laid upon it, one would think a tale of yesterday; but when we looked at dates, we should find that he was put to death on the 27th of July, and since that time there appeared at least no relaxation of the French successes. Moderation, it was contended, must weaken their government and cripple their exertions; he believed no such thing; he looked to general principles, and inferred that moderation gave strength. Why, it was asked, were we to look for less co-operation in the interior of France than formerly? Because there was no insurrection at Lyons, Marseilles, Toulon, and he apprehended, very little in La Vendée. Our resources, it was said, were not yet touched. No! The speech did not tell us, as last year, that the burthens to be imposed would be little felt by the people—an omission he much regretted, as it certainly was not made in compliment to his arguments on the impropriety of such an insertion.

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Would the right hon. the chancellor of the exchequer say, that if the war was continued another year, the people had yet felt one-tenth of the new taxes they must have to bear? Taxes were felt by the poor, and their situation was particularly to be considered, when the object of the war was so equivocal, that it might be doubted whether the attainment of it would be desirable, even if it could be attained by making peace. Ministers appeared to know every thing that was passing within France, but nothing that was passing out of it. Of the sailing of fleets from French ports, which it might be worth knowing, they had no information. Just so our hostility seemed to do every thing within France, to raise a tyrant and to pull him down, but to do nothing out of France.

The depreciation of assignats was with him an argument of little weight. He had been accustomed for years to hear that the paper currency of America was depreciated, not to one-half or one-fourth of its nominal value, but to nothing. His information, however differed entirely from that of the chancellor of the exchequer on the depreciation of assignats. On the ruined state of French commerce it coincided; but on the state of industry and agriculture it totally disagreed. He was told by American gentlemen, and these by no means partial to French principles, that at no former period had the cultivation or the produce of the soil been near so great. When he heard of the maximum and the expedients connected with it, he inferred that the misery and distress of the poor must be necessary consequences. He was assured, however, that the poorer classes of people in France had now a much greater portion of all that to them constituted the comforts of life, than had ever fallen to their lot before the revolution, or perhaps to the lot of many of the poor of this country. It might be said, that his informants were inaccurate observers, or false relators; but who were they from whom ministers derived their information? The very persons who, deluded themselves, had an interest in deluding ministers into the prosecution of a hopeless contest. He depended not alone upon the accuracy of those with whom he conversed. The circumstances they stated he found confirmed by the pamphlets of French emigrants.

But he did not rest his politics on the situation of France, of which his knowledge must be imperfect; he looked to the situation of England, which he had the means of knowing; he saw us involved in a war which must produce increase of debts and taxes, with no compensation even in prospect, and thought that the sooner we got out of it the better. Peace, it was said, would be insecure; we should not be able to disarm because the French could not venture to disband their numerous armies, and bring back so many men, without fixed habitations or employments, into the heart of the country. Thus were ministers reduced to this curious argument, "We ought to continue the war, because the French have an army which they cannot disband." What the effects of peace might be in France, whether the old government would be restored, or a better system established in its room, were speculations which, as a philosopher and philanthropist, he might indulge in, but never as a member of parliament or a counsellor of his majesty, adopt as principles of conduct. It was pretended that our hostility had already produced a change of system for the better; but on comparing facts with dates, we should have more reason to say that our hostility produced the system, with reference to which only the present system was admitted to be better; that our invading France had made Robespierre a tyrant, and our running away destroyed him. In giving his vote for the amendment, he should wish to leave out the words, "transactions which have lately happened in France," because we were not to treat with any set of men on account of their good or bad characters, but on account of their possessing the power to treat. If, however, the gentlemen who moved and seconded the amendment, should object to leaving out those words, he should vote for it nevertheless.

Our acquisition of Corsica, although mentioned in the speech, had not been once noticed in the debate. The mode in which we had made the acquisition was curious. If it was valuable to the enemy or important to us, we might fairly have taken possession of it by right of conquest, as we had taken the West-India islands; but we had not done so. We had done it in a way that illustrated the doctrine in Dr. Price's sermon, rendered so conspicuous by the notice taken of it in the Reflections on the French revolution, a book of such excellence, that a right hon. gentleman (Mr. Windham) had recommended

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leading it over again, having probably done so himself, as he had changed his first opinion of it. His majesty was once king of North America; he was now king of Corsica. In North America he had been cashiered, in Corsica he had been elected—so that the doctrine of electing kings, and cashiering them for misconduct, was not matter of dangerous theory, but of approved practice. Sir Gilbert Elliot convened the primary assemblies of Corsica; they chose delegates, who met with various other persons, and all had voices that came; so that the election, by his own account, was something very like universal suffrage. But this was not all—his majesty had previously determined not to withhold from the inhabitants of Corsica the protection which they sought for in their spirited efforts to deliver themselves from the yoke of France; and thus was made by his ministers to avow acting upon the famous decree of the French Convention, holding out protection to the inhabitants of all countries who should make efforts to deliver themselves from the yoke of the government under which they lived—a decree which the mere circumstance of the Convention having passed, without having ever acted upon it, was two years ago held forth as a sufficient cause of war with France. On the propriety of his majesty's accepting the crown of Corsica, without consulting parliament, he should say nothing at present; but he had much doubt of its ultimately conducing to the honour of this country, or contributing to the restoration of peace.

If we were never to treat with the heads of the Convention, but in such extremity as left no room for choice, when could we look for peace? He wished the chancellor of the exchequer would recollect that his honour, and the honour of the country, were two distinct things; and that it was too much to wait till the hour of extremity came, merely that he might be able to say,

——Potuit quæ plurima virtus,
Esse fuit—

When he proposed treating, he held it more honourable not to wait till he was beaten into it. The country was already sorely beaten; it had received wounds both deep and wide, but the obstinacy of ministers was not yet conquered. Perhaps, as they thought upon the same principle, that it would be dishonourable to restore the conquered West-India islands, they were waiting till the French should retake them. He knew not if this was their intention, but they had given the French ample opportunity.

If it were advisable to go on with the war, let us look at the conduct of it for two campaigns, and see what hope we could have of success under the auspices of those who now directed its operations. Lord Chatham had retired from the admiralty, full of glory, covered with laurels, for his able disposition of our naval force, and the active protection he had given our trade. If the boasts of last year on this subject were true, it was unfair to check his lordship in the career of his glory, and unjust to deprive the country of his services at so important a crisis. But the boasts of last year were not true; his retiring was a confession of incapacity or negligence; and if he had delayed it much longer, there would have been petitions for his removal. To the West-Indies such a force had been sent, as nothing but the great abilities of the officers who commanded it could have enabled to take the French islands, and, when taken, was insufficient to defend them. To Toulon such a force was sent, as was too small for defence, and too great to retreat with honour. The projected invasion of France had been kept alive from year to year, and served only to weaken our strength in quarters where it ought to have been more powerful, without even an attempt to carry it into execution. Were our cause as good as our resources were said to be inexhaustible, with such weakness, such want of system, such hesitating, such wavering incapacity in the direction of our force, we could hope for no success.

If the hon. gentleman who moved the amendment, and his friends (for the hon. gentleman he felt great respect, on account of the part he had taken in the abolition of the slave trade, a measure in which he felt deeply interested), thought that, in consequence of their aiding him to obtain a speedy peace, peace might be made, without an inquiry into the causes of the war, he gave them notice that he would receive support upon no such terms. He would never forego inquiry into the causes of the war, and measures to prevent similar calamities in future. This was due to the people, lest, in the enjoyment of peace, they should forget their former sufferings from war, and again yield themselves up to delusion. Both the present and the American war were, owing to a court party in this country,

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that hated the very name of liberty; and to an indifference, amounting to barbarity, in the minister, to the distresses of the people. It was some consolation to him that he had done his utmost to prevent the war, and to know that those who provoked it could not but feel, even while they were endeavouring to persuade others of the contrary, that they must, in no very long space of time, adopt the very course which he was recommending as fit to be adopted now. In the speech, not a word was said of the navy. He should only observe, that in our present circumstances, the neglect of building a single ship that could possibly be built, was a neglect highly criminal.

At four in the morning, the House divided on Mr. Wilberforce's Amendment:

Tellers

Yeas	Colonel Maitland Mr. Whitbread jun.	73
Noes	Mr. Serjeant Watson Mr. Sumner	246

So it passed in the negative. The original Address was then put, and carried.

List of the Minority.

Anson, Thomas	Howard, Henry
Anderson, J. W.	Hussey, William
Antonie, Lee	Jekyll, Joseph
Aubrey, sir John	St. John, St. Andrew
Bankes, Henry	Kempa, Thomas
Baring, sir Francis	Langston, John
Barham, J. Forster	Lambton, Wm. H.
Bouverie, hon. Edw.	Lemon, sir William
Bouverie, hon. Wm.	Lechmere Edmund
Bullock, John	Long, Samuel
Burdon, Rowland	Ludlow, earl
Burch, J. R.	M'Leod, colonel N.
Byng, George	Mainwaring, William
Church, J. B.	Martin, James
Coke, T. W.	Milner, sir W.
Coke, Edward	Milbanke, Ralph
Colquhoun, William	Mostyn, sir R.
Courtenay, John	North, Dudley
Coxe, Hippesley	Pierse, Henry
Curwen, C.	Plumer, William
Davers, sir Charles	Russell, lord William
Duncombe, Henry	Sheridan, R. B.
Erskine, hon. Thos.	Shaw, Cunliffe
Featherstone, sir H.	Smith, William
Fitzpatrick, rt. hon. R.	Spencer, lord Robert
Fletcher, sir Henry	Sturt, Charles
Folkes, sir M. B.	Taylor, M. A.
Foley, hon. Edward	Taylor, Clement
Fox, right hon. C. J.	Tarleton, general
Francis, Philip	Thompson, Thomas
Garlies, lord	Thornton, Robert
Grey, Charles	Thornton, Henry
Hare, James	Townshend, lord John
Harcourt, John	Walwyn, James
Hill, sir Richard	Western, C. C.
Wilbraham, R.	Tellers.
Wilberforce, William	Maitland, colonel
Wynn, R. Watkin	Whitbread, Sam.

Debate on Mr. Sheridan's Motion for the Repeal of the Habeas Corpus Suspension Act.] January 5, 1795. Mr. *Sheridan* rose, to make his promised motion. The question was not, he said, whether the Habeas Corpus should remain suspended till February; but whether it should remain suspended for ever; and whether the reverence for the decisions of juries, so intimately interwoven with the principles of the British constitution should or should not be eradicated from the minds of the people of England? In conducting the present discussion, he would argue from circumstances as they really existed. He would appeal to the gentlemen on the other side, with respect to the situation in which the country was now placed: and he would ask them, whether they would not accept of the compromise, that the sentiments, numbers, and force of the societies, which had been held up as dangerous to the constitution, should remain exactly as they were at present? But there was no situation of things in which those gentlemen were not provided with an answer. If it was urged, that the designs of those societies had been checked, they would ask, whether they ought to withdraw the security at the moment they had succeeded in repelling the danger? If the influence of the societies was said to be increased, they would contend that the force, which it had been found necessary to oppose to an inferior danger, became still more indispensable when the danger was increased. If they were called upon in a time of war, they would allege, that that was not the proper time to judge of the degree of power to be granted to the executive government; if during the interval of peace, they would enlarge upon the necessity of guarding against the consequences of an intercourse with the daring republicans of France. There was no situation in which they would not be provided with some argument for suspending this chief bulwark of the rights and liberties of Englishmen. The suspension would be justified, not merely as a guard against the crime of treason, but, according to the new phrase, against any disposition to "moral guilt" which might be productive of dangers. On such pretences would the suspension be justified,

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and the act itself never again restored. He would remind gentlemen of the grounds on which the suspension had been voted: the preamble of the act stated, that, "Whereas a traitorous and detestable conspiracy has been formed," &c.

He now came to facts. Did this traitorous detestable conspiracy exist, if, indeed, it had ever existed at all? It would be necessary to prove, not only, that it once existed, but that the same danger still continued. Were they prepared to go to the length of these assertions? He would not shrink from what he had said on a former occasion, that he considered ministers as the sole fabricators of these plots. What he had then declared from strong suspicion, he now repeated from the evidence of facts. He had, at his back, the verdicts of repeated juries, who had negatived the existence of any such plot. But the opinion of juries had been lately treated in such a manner, that he was almost afraid to quote their authority; he would however, remind the solicitor-general, that for language much less unconstitutional than he had employed with respect to the verdicts of these juries, a learned serjeant had formerly been committed to prison by the House of Commons. That learned gentleman had told them, that the acquittal of a jury did not declare the man innocent; it only exempted him from being tried again upon the same charge. He had always understood, that it was a maxim of the law of England, that every man was presumed to be innocent, till he was found guilty. But so far from this being the case, he was now told, that not even the acquittal of a jury established his innocence. A right hon. gentleman (Mr. Windham), had gone even farther than the learned character to whom he had alluded: he had thrown down the gauntlet to his right hon. friend (Mr. Fox). How far it was prudent or proper in that gentleman so to do, he would not take upon him to determine especially when he recollected that, on a former occasion he had declared that he would not give up the title of "friend" till his right hon. friend had first given him a hint for that purpose. He had not waited for the hint; he had now renounced the title. Nor was such a hint to be expected from his right hon. friend, by those who knew with what strength of attachment he clung to all of whom he had been accustomed to think favourably, and how unwilling he was to give up any who had once formed claims upon his friendship. Now, however, that the right hon. gentleman had voluntarily disclaimed the connexion, he had no hesitation to declare that he should henceforth meet him on the ground of fair and avowed hostility. That right hon. gentleman, next to another person, had been the principal instrument of bringing the country into its present calamitous situation. He trusted that he had abilities to extricate it from the difficulties of that situation. At any rate, he knew he had boldness to wait the responsibility which would ultimately attach to all the authors of the present war. Except, indeed, there was something in the support of the war that corrupted and degraded the human heart, he should have thought that the right hon. gentleman would have been the last man to apply to persons acquitted by juries of their country, the opprobrious epithet of "acquitted felons." There might have been some ground for this epithet, if those persons had owed their escape to any flaw in the indictment, or to any deficiency of technical forms. But did the men who had lately been acquitted stand in that situation? If there was any case in which the verdict of a jury went completely to establish the innocence of the party accused, it ought to be with respect to the charge of high treason. In the course of the late trials, had any thing that could have been brought forward against the prisoners been omitted from want of time or attention? No pains had been spared to bring those persons to a conviction, if they had been really guilty. Some of the persons tried were taken up in May: the six months previous to their trial were employed in collecting and arranging evidence. Twelve gentlemen of the greatest professional eminence, were retained on the side of the crown, at an expense of upwards of 8,000*l*. Such an array could only have been encountered by the abilities and eloquence of his learned friend (Mr. Erskine), who, by his conduct, on that occasion, had acquired the highest honour, but to whom all professional honour was become superfluous, and therefore he might deem it fortunate that he was associated with Mr. Gibbs, who deservedly came in for a share of credit in the transaction. But perhaps the gentlemen engaged in the prosecution would contend, that they did not bring forward a sufficient number of witnesses. How far this was the case, would appear

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from the fact, that the witnesses summoned in the case of Mr. Joyce, who was never tried, amounted in all to 207. With regard to the manner in which the proceedings had been conducted, at least no labour had been spared. The first speech on the trials had taken up nine hours. Had he been a juryman, the very circumstance of an attorney-general taking nine hours to tell him of an overt act of treason, would have been a reason why he could not have believed it true. The whole procedure on the prosecution, was a piece of delicate clock-work, a sort of filligree or net-work too slight to hold a robust traitor, and yet so contrived as to let all the lesser cases of libel and sedition escape. The very intricacy and labour of the proceeding was, to his mind, the most satisfactory testimony that the case could not be supported on the grounds of substantial evidence and constitutional principles. If he were asked, did there not appear, from these trials, instances of sedition? He had no hesitation to say, that they exhibited instances of many gross and scandalous libels. He was ready to admit that there were in the societies mischievous men intent on mischievous purposes. There were others actuated by enthusiasm, whom he could not consider in the same light because it was that sort of enthusiasm which had actuated men of the purest minds. As to the phrases Convention, Citizen, &c. in which they had affected an imitation of the proceedings of the French, the worst that could be said of them was, that they were contemptibly foolish. He had attended the trials he said, from a principle of duty. He was of opinion that every man who loved the constitution, and who thought that it was endangered by false alarms, would feel it incumbent to attend trials which he considered as originating from ministerial artifice; and to watch the conduct of the crown lawyers, and of the judges in order to avert those calamities from the country, in which, at former times, it had been involved, and to prevent that most dreadful of all wars—a war of plots and conspiracies; wars in which the purest blood had been shed by the most destructive of all weapons, the perjured tongues of spies and informers. That there was no real danger appeared from the declaration of chief justice Eyre, who, in his summing up on one of the trials, had stated that it was an ostentatious and boasting conspiracy, and that it was much in favour of the accused, that they had neither men money, nor zeal to effect the purposes with which they were charged. On the first trial one pike was produced; that was afterwards withdrawn from mere shame. A formidable instrument was talked of to be employed against the cavalry; it appeared upon evidence to be a tetotum in a window at Sheffield. There was a camp in a back shop, an arsenal provided with nine muskets, and an exchequer containing nine pounds and one bad shilling; all to be directed against the whole armed force and established government of Great Britain.

Having entered into a brief review of the conduct of the present ministry, with regard to plots and conspiracies, from the year 1783 to the present time, Mr. Sheridan came to the subject of his motion. He was almost ashamed to say, that the suspension of the Habeas Corpus act was not a matter of slight or trivial consideration. Sir Edward Coke had declared, "that without the enjoyment of this privilege we are no longer any thing more than bondsmen: there remains no distinction between the freeman and the slave—the living and the dead." Judge Blackstone says, "of great importance to the public is the preservation of this personal liberty; for if once it were left in the power of any, the highest magistrate to imprison arbitrarily whomever he or his officers thought proper (as in France it is daily practised by the crown), there would soon be an end of all other rights and immunities."* If, then, a suspension of the Habeas Corpus can be compared to nothing but a measure which suspends the whole of the constitution, it ought only to take place in cases of the most absolute necessity. Was the present a case of such extreme emergency? If any man believed that the people of this country were infected with treasonable principles, and disposed to overturn the government, he might be justified in holding such an opinion; but if he believed that the characteristic feature of the English nation was a sober, settled, and steady attachment to the constitution, it was incumbent on him to call for an immediate repeal of the act suspending the Habeas Corpus. Such was the opinion, which had been confirmed by repeated verdicts of a jury; verdicts which went completely to do away the idea of any conspiracy having ever existed

* 1 Blackstone's Commentaries, 135.

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in the country. He, for one, would not wait till ministers should exercise their ingenuity in the fabrication of new plots, or should have time to propagate fresh alarms; he would call upon them immediately to restore to the people those rights without which they could neither respect themselves, nor the government under which they lived.—I will not say that there have been no instances of sedition; but I affirm that the evidence of these appears in so questionable a shape as ought to excite your suspicion. It is supported by a system of spies and informers, a system which has been carried to a greater extent under the present administration, than in any former period of our history. I will not say that there is no government in Europe which does not stand in need of the assistance of spies; but I will affirm that the government which avails itself of such support does not exist for the happiness of the people. It is a system which is calculated to engender suspicion, and to beget hostility; it not only destroys all confidence between man and man, but betwen the governors and the governed. Where it does not find sedition, it creates it. It resembles in its operations the conduct of the father of all spies and informers, the devil, who introduced himself into Paradise not only to inform his own Pandemonium of the state of that region, but to deceive and betray the inhabitants. The spy, in order to avoid suspicion, is obliged to assume an appearance of zeal and activity: he is the first to disseminate the doctrines of sedition, or to countenance the designs of violence; he deludes the weak by the speciousness of his arguments, and inflames the turbulent by the fury of his zeal. It must have made a man's heart burn, to hear the sort of evidence brought forward by these spies on the late trials. A wretch of the name of Lynam said, that in his capacity of delegate to one of the societies, he had incurred suspicion, had been tried by the other delegates, and honourably acquitted. By what means had he been acquitted, but by pretences of superior zeal, and more furious exertion. I wish the right hon. gentleman, who called the persons who had been tried "acquitted felons," had been present when such witnesses were examined against them; I wish he had been present when the chief baron Macdonald addressed Mr. Thelwall, not as an acquitted felon, but as having obtained a verdict, which was honourable to his character, and exhorted him in a tone of the utmost gentleness, to employ his talents in future, for purposes useful to his country. The manner in which that address was made, was fit and becoming the character of the judge by whom it was delivered, as well as respectful to the person to whom it was directed. Of whatever indiscretion the persons who had been tried had been guilty, it will not be disputed, that they must have been deeply wounded by the opprobrious epithet applied to them by the right hon. gentleman. I trust this is sufficient to induce him to make the only reparation now in his power, by the speediest recantation of his hasty and ill-judged expression. There was another witness of the name of Taylor, not an acquitted but a convicted felon, who had been tried for a crime, into the moral demerit of which I will not enter, but which had been attended with the aggravation of perjury, but sentenced only to a slight punishment, on account, as was alleged, of some favourable circumstances in his case, though upon my word, I could find none, except that he had assisted to hang his brother spy, Watt;* yet this man was thought a proper character to be brought forward as an evidence into a court of justice, and allowed to hunt after the blood of Englishmen? If ministers have been duped and deluded by their spies, ought they not to admit the deception that has been played upon them? But, I can suppose the case of a haughty and stiff-necked minister, who had never mixed in a popular assembly, who had therefore no common feeling with the mass of the people, no knowledge of the mode in which their intercourse is conducted, who was not a month in the ranks in this House before he was raised to the first situation, and though on a footing of equality with any other member, elevated with the idea of fancied superiority: such a minister can have no communication with the people of England except through the medium of spies and informers; he is unacquainted with the mode in which their sentiments are expressed, and cannot make allowance for the language of toasts and resolutions adopted in an unguarded and convivial hour. Such a minister, if he lose their confidence, will bribe their hate; if he disgust them by arbitrary measures, he will not leave them till they are completely bound and shackled; above all, he will gratify the vindictive

* See Howell's State Trials, Vol. 23, p. 1227.

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resentment of apostacy, by prosecuting all those who dare to espouse the cause which he has betrayed, and he will not desist from the gratification of his malignant propensities, and the prosecution of his arbitrary schemes, till he has buried in one grave, the peace, the happiness, the glory, and the independence of England. Such a minister must be disqualified to judge of the real state of the country, and must be eternally the dupe of those vile spies, whose interest it is to deceive him as well as to betray others. In what county, or from what quarter of the community are we to apprehend the effects of those principles of insubordination, with which we have been so often threatened? The characteristic feature of the English nation is entirely different; they testify on every occasion the utmost respect for superiority (I am sorry to use the phrase), wherever the advantages of rank or fortune are exercised by those who enjoy them with any tolerable decency or regard to the welfare of their dependents. What nobleman or gentleman finds in his tenants, or servants, as long as he treats them with propriety and kindness, a hostile and envious disposition? What merchant or manufacturer finds in those whom he employs, so long as he treats them well, a sullen and uncomplying temper, instead of a prompt and chearful obedience? This tendency to insubordination, forms no part of the temper or character of the people; the contrary disposition is even carried to an extreme. If I am asked, whether there is any danger in the present moment, I say, yes. But it is not a danger of that sort which is to be remedied by suspending the rights, or abridging the privileges of the people. The danger arises from a contempt being produced among the lower orders of all public men and all public principles. A circumstance occurs to me, which took place during the late trials, where the Friends of the People were praised from the bench. When one of the Sheffield witnesses (Broomhead) was asked, why his society declined communicating with the Friends of the People, he answered that he would tell them very plainly, they did not believe them to be honest; that there were several of them members of parliament; that they had some of them been in place, and that they conceived the ins and the outs, however they might vary in their professions, to be actuated by the same motives of interest. I, who might be as little implicated in such a charge as any man, felt rebuked and subdued by the answer. What is it that tends to produce this contempt of public men? The conduct of those who ought to hold out an example of public principle. I heard a right hon. gentleman (Mr. Windham) the other day, and on this subject I will pursue him with professed and unabating hostility, complain of the indifference and langour of the country in the present contest, and call upon them to greater displays of vigour and exertion, while at the same time he affirmed, that no man in the country felt any distress from the pressure and calamities of war. Will he say this to the starving manufacturers of Norwich? Will he say it to the shivering poor of the metropolis, obliged to purchase a loaf at ninepence, and unable to supply themselves with coals at this inclement season, from the enormous price of that necessary article? Will he say it to the landholders, whose property, since the commencement of the war, has been reduced half its value? What can this language of the right hon. gentleman mean, except he wishes to drive the great body of the people to desperation? When I heard the right hon. gentleman call upon the country for increased exertions, I concluded that he would have proposed to throw in his salary to the aid of the public fund, and to live contented on his own splendid income. I supposed he would have persuaded his right hon. friend (Mr. Pitt), to relinquish the revenue which he derives from the Cinque Ports, and to live on the 6,000*l.* a year, attached to his other appointments: that he would have persuaded another right hon gentleman (Mr. Dundas) to give up one of his numerous salaries; and a noble marquess, in the other House, to give up some of the emolument which he derives from the tellership of the exchequer, which will this year amount to 15,000*l.* As the noble marquess, on a former occasion, professed himself ready to abandon part of those emoluments, he has now an excellent opportunity of proving the sincerity of his declaration. I expected all this, and that they would not have failed to assist their own arguments by the operation of their generosity. But, while all Europe is in a flame they seem to be engaged at boy's play; to be scrambling for places and pensions, for ribbands and titles, and amusing themselves with puss in the corner

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of the cabinet room. When such is the conduct of public men, I am not surprised at the declaration of the witness from Sheffield, that he gives no man of that description credit for being honest.

He said, that many of the acts of the societies which had so much excited alarm, were only imitations of what had been done by the societies in 1780. If the ministers at that time had been disposed to prosecute they might have made out a much better case of treason than had been brought forward by the present. Was the memorable expression of the illustrious earl of Chatham forgotten, that "he rejoiced that America had resisted?" Could none of the members recollect the strong language adopted by Mr. Burke on the same occasion, and the sentiments that had been avowed in that House by the opposers of that war, that "they wept over the fall of Montgomery, and did not exult in the desertion of Arnold." He produced a paper, with the inscription, "Lenox, the friend to equality," which contained matter more inflammatory than any paper that had been brought forward on the late trials. If approbation of the progress of the enemy, implied by toasts and resolutions; if an unqualified claim of universal representation; if disrespectful expressions, such as "What care I for the king's birthday!" were to be construed as treasonable matter, all these would be found to apply to the associations in 1780, in a greater degree than to the present societies. These men only trod in the path in which they had seen others go before them not only without impeachment but without reproach. "If" (said Mr. Sheridan) "we make a boast of equal laws; if these men are to be considered as guilty of high treason; let us have some retrospective hanging, and, whatever in that case may happen to me, his majesty will at least derive some benefit, since he will thereby get rid of a majority of his present cabinet." Mr. Sheridan said, that when he recollected that his speaking and writing might have been instrumental in inducing those men to espouse the views which they had adopted, he could not separate his own cause from theirs, and he did not know what other men's consciences were made of, who could prosecute, and even bring to condign punishment and infamy, persons who had been guilty of no other crime than having taken up the same side of the question of which they themselves had formerly been the advocates and supporters. He then reprobated the arguments drawn from the difference of times and the necessity of terrible examples. It was re-echoed from every quarter, "Look to the example of France" The implication was a libel upon the character of Great Britain. The characters of nations arose not from the difference of soil and climate; but from the invariable and eternal decrees of Providence. He proceeded to press the distinction in the characters and minds of the mass of the inhabitants of different countries, according to their different governments. "I will not, therefore," (said he) "admit the inference that because a people, bred under a proud, insolent, and grinding despotism, maddened by the recollection of former injuries; and made savage by the observation of former cruelties; a people, in whose minds no sincere respect for property or law ever could have existed, because property had never been secured to them, and law had never protected them; a people, divided into classes by the strongest and harshest lines of distinction, generating envy and smothered malice in the lower ranks, and pride and insolence in the higher—that, the actions of such a people at any time, much less in the hour of frenzy and of fury, provoked and goaded by the arms and menaces of the surrounding despots that assailed them, should furnish an inference or ground, on which to estimate the temper character, or feelings, of the people of Great Britain; of a people, who, though sensible of many abuses which disfigure the constitution, are yet not insensible to its many and invaluable blessings; a people who reverence the laws of their country because those laws shield and protect all alike; a people, among whom all that is advantageous in private acquisition, all that is honorable in public ambition, are equally open to the efforts, the industry, and the abilities of all; among whom progress and rise in society and public estimation, is one ascending slope, as it were, without a break or landing place; among whom no sullen line of demarkation separates and cuts off the several orders from each other, but all is one blended tint, from the deepest shade that veils the meanest occupation of laborious industry, to the brightest hue that glitters in the luxurious pageantry of title, wealth, and power; I would not, therefore, look to the example of France; for between the feelings, the

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tempers, and social disposition towards each other, much less towards the governments which they obey, of nations so differently constituted, and of such different habits, no comparison can be made which reason and philosophy ought not to spurn at with contempt and indignation." If pressed farther for an illustration on this subject, he would ask what answer would those gentlemen give, if a person affectedly or sincerely anxious for the preservation of British liberty, were to say, "Britons, abridge the power of your monarch, restrain the exercise of his just prerogative, withhold all power and resources from his government, or even send him to his electorate from whence your voice exalted him—for mark what has been doing on the continent!—Look to the example of kings! Kings, believe me, are the same in nature and in temper every where; trust yours no longer: see how that shameless and perfidious despot of Prussia, that trickster and tyrant, has violated every principle of truth, honour, and humanity, in his murderous, though impotent attempt, at plunder and robbery in Poland! He, who had encouraged and even guaranteed to them their constitution see him with a scandalous profanation of the resources which he had wrung by fraud from the credulity of Great Britain, trampling on the independence he was pledged to maintain, and seizing for himself the countries he had sworn to protect! Mark the still more sanguinary efforts of the despot of Russia, faithless not to us only and the cause of Europe, as it is called, but craftily outwitting her perjured coadjutor, profiting by his disgrace, and grasping to herself the victim which had been destined to glut their joint rapacity! See her thanking her favourite general Suwarrow, and, still more impious, thanking heaven for the opportunity; thanking him for the most iniquitous act of cruelty the bloody page of history ever recorded—the murderous scene at Praga, where, not in the heat and fury of action, not in the first impatience of revenge, but after a cold deliberate pause of ten hours, with temperate barbarity, he ordered a considerate, methodical massacre of 10,000 women and children! These are the actions of monarchs—Look to the example of kings." What those gentlemen would reply to such an argument or exhortation I know not. My answer should be, "I treat your inference and comparison with the same abhorrence and indignation with which I turn from those who would libel and traduce the character and principles of the people of England, and upon the same grounds and principles. I will not look to the example of the princes you point out, and justly, perhaps, stigmatize, in order to measure my allegiance and opinion of the king of Great Britain. I am not to be misled by names; I regard not that the four letters are the same which form the title of the despot of Brandenburgh, and of the first magistrate of this free country. I will not look to the principles or practice of a man born and bred in flattery, falsehood, and faithlessness—of a prince accustomed to look to fear only for obedience, and to arms only for security; of one used to consider his people as his property, their lives and limbs his traffic; of one instructed to make his will the law, and the law his tool: of one, finally, whose heart must be perverted and corrupted by that which ever did and ever will deprave and corrupt the human heart—the possession of despotic power. I will not borrow from such an example a rule to estimate the principles, acts, or wishes of a monarch, where it must be as palpably his wish as his interest to reign in the hearts of his people; of a prince, whom a love of liberty alone in the people exalted to his present situation, and who must therefore regard and cherish that love of liberty in his subjects, as the real body guard of his person: of a king, who, not seated on a solitary eminence of power, sees in the co-existing branches of the legislature his equals—in the law his superior; who, taught by the awful examples of our history, knows he is accountable for the sacred trust reposed in him, and, owing his title to the people's choice, feels the true security of his throne to be the people's love." Thus would I reply, and thus would I remain—though disclaiming the servile cant of adulation— with sentiments of unabated attachment to the person of our present monarch, and with unshaken adherence to the principle of hereditary government in this country, while limited, and directed to the objects for which that and all other power on earth is created—the benefit and happiness of the people who confer the trust. But if I were to look to the example of France, I would look to the prodigality, the corruption, the detestable system of spies and informers,

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the insolence of the higher and the oppression of the lower orders, which distinguished the old government of France, and which produced all the evils of the present system. I should thence be taught to avoid introducing into this country a system of terror and corruption, and the necessity of giving back to the people those rights and privileges which can alone rivet their affection and secure their obedience, and place the stability of government upon its best foundation—the protection and happiness of the subject.—Mr. Sheridan then moved, for leave to bring in a bill to repeal an act passed in the last session, intituled, "An act to impower his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government."

Mr. *Windham* (secretary at war) said, that there were so many of his hon. friends more capable than he could presume to be, of answering the various topics which had been brought into argument by the hon. gentleman, that he would not have troubled the House with any observations at that early period of the debate, were it not that personal allusion had been frequently made to himself in the course of that gentleman's elaborate declamation. The first topic which he would notice, was the hon. gentleman's remark upon some words which fell from him respecting a right hon. gentleman on the other side of the House (Mr. Fox), whom, whether he called so or not, he certainly would consider as a friend. This was a subject which he had long remarked the hon. gentleman had a great propensity to bring into discussion; he had before been obliged to make animadversions upon it, as it was, to say no worse of it, extremely officious; and, however the hon. gentleman might flatter himself that it conduced to his views, he would hazard an assertion, that such intermeddling did not give satisfaction to either party. As the matter, however, had been brought on the tapis, he would fully explain that which he had already, as he thought, explained before. What he had said on a former day, and what he would now repeat was, that for mutual accommodation he would, though he retained the sentiment, discontinue the usual form of address, and he had given for his reason that, standing with each other on a different footing from what they had formerly done, he might, by persisting in it, force his right hon. friend into restraint or embarrassment. This he avowed to be the real meaning of his expressions, and this he fancied must still be in the recollection of every one present; he put it to the hon. gentleman himself to declare whether it was not the handsomest mode of deporting himself; had he done otherwise, the hon. gentleman himself was the very man to take advantage of it, and say that he acted with the insidious intention of promoting that restraint and embarrassment which, in truth, he wished to avoid. If this was an error, he confessed it to be an error of deliberation, and one in which he certainly meant to persist.—The hon. gentleman had endeavoured to persuade the House, that the conduct of the persons who promoted the war was criminal; and that he (Mr. W.) was more criminal than any of its abettors. He was desirous to avow, that, on the footing on which the hon. gentleman had stated it, he was indeed criminal. If, to have seen at a very early period, but not so early as he could wish he had, that the conduct of the French was likely to involve Great Britain in warfare and confusion, and to be convinced that, in her own defence, as well as from principles of justice and policy, she should have declared war before she did, was criminal, certainly he was most highly so. But that, he hoped, was the utmost extent of his criminality; and of his firmness and resolution, to which the hon. gentleman had alluded, he would answer for it, that he never would be found to shrink from any charges that might be brought against him, nor be deterred by the empty menace of any set of men, from the constant and zealous discharge of the trust reposed in him, and from the most unremitting vigilance against every thing that had the face of hostility to his country or himself—particularly the politics of the hon. gentleman.—The hon. gentleman had said, that in discussing the subject in agitation, he would deal with him with the utmost frankness. He wished, for the hon. gentleman's own sake, as well as that of the House, the subject, and himself, that he had coupled another thing along with it, and had used him with fairness as well as with frankness. He had however done quite the reverse, and had given the most unfair and unaccountable construction to all that he had said. Had there been any thing in his mode of expressing himself at all ambiguous, candour would have

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taken it rather upon the favourable side; whereas, the hon. gentleman had made use of a supposed ambiguity to pervert his meaning, and had substituted his own suppositions in the place of facts. He declared, and called on the House to bear witness for him, that he had not, in using the words "acquitted felon," at all alluded to the persons lately acquitted: on this point, it was to be lamented by the hon. gentleman's admirers and advocates, that all his tragic declamations, all his deep-toned, fine-spun periods, fell at once to ruin, the foundation itself being thus withdrawn from under them. For himself, he declared what he had said was this—When the hon. gentleman had endeavoured, with so little judgment and so little effect, to demonstrate, that the acquittal of those men (whether they are called felons or culprits, for he was almost afraid to call them by any name, lest he should be misinterpreted) had entirely proved the non-existence of a conspiracy to overthrow the government, as well as their own individual innocence, he had said, that they were proved innocent to no greater an extent than numberless other persons who were discharged from the Old Bailey; not from their innocence being established in a moral point of view, but from want of legal proof of their guilt. This exultation of the hon. gentleman and the persons acquitted, they shared with many culprits who, though absolutely guilty, are discharged from failure of prosecution, from a flaw in the indictment, or from any other of those various legal points, under cover of which the guilty sometimes skulk away from the arm of justice, and strut about afterwards, talking of remedy by actions at law, and pluming themselves upon their accidental escape, as if their integrity and uprightness had been positively proved and established in the opinion of their country. Here, he said, he would rest the point for the present, and hoped that the hon. gentleman would not oblige him to revive it, nor do as he had often done before, that was to say, make a watch-word of it, and by the most unfair and insidious means propagate and pass it current throughout the world, as if it had never been contradicted—the most unjust and unmanly way of sapping fair fame and reputation that any one could devise.—The hon. gentleman had said much of spies and informers. It was a melancholy consideration to reflect, that such men were often necessary, and he feared they would be more wanting than ever in the situation in which the politics of the hon. gentleman and his friends were likely to plunge the country. The hon. gentleman who, in all things, was more than commonly shrewd and acute, had the most extraordinary faculties he ever knew any one to possess for the purpose of raising groundless charges, and the most extraordinary industry and art in giving them circulation: one, he would particularly mention, —one originating in falsehood, and afterwards circulated with a wicked industry, which spoke too plainly to be misunderstood, what their drift was who managed it. The expression was the well-known hackneyed "Perish commerce."* It was necessary, he thought, to refer to the many revivals of it, which the malignity and wicked designs of some men had occasioned: after being made a handle of in various quarters, all of which he suffered to pass in contemptuous silence, he again found it revived in a Letter published a few days ago by a person of too great rank to be overlooked. Two years ago, this falsehood was first circulated, and, what would tend to develope the intentions of the calumniators, it was most carefully disseminated where it was supposed to be most likely to do him injury: it was in short printed, and stuck up in the workshops of Norwich, to alienate the affections of the people from him, and persuade them that he was their worst enemy; again it was brought up in the House against him by those who well knew in their hearts that the expression was not his. But he was silent, and that silence was taken as an admission of the fact. "Now, Sir," said he, "what will you think, if you shall see that this has been brought up again in this volume which I hold in my hand, stamped with the authority of a noble peer? † Did not the noble writer know, that the charge was publicly and unjustly attributed to me? and did he not intend, by the way he puts it here, that it should be applied to me, and considered as my words—if not what did he mean?"

Colonel *Maitland* said, he believed he could save some time to the House by explaining the case: his noble relation had asked him, if it was that right hon.

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* See the note to Vol. 30, p. 622.

† See Letters to the Peers of Scotland by the Earl of Lauderdale, p. 81.

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gentleman who had made use of the expression which was reported to have come from authority; he informed his noble relation it was not, and the expression had never been applied to that right hon. gentleman. He trusted that the character of that noble earl for candour, sincerity, and honour, was such as entitled no man to suspect him of doing any thing that was illiberal.

Mr. *Windham* continued—I am rather surprised at the explanation, as it confirms the full extent of my charge, which is, that the noble author of the work knew that the sentiment had been falsely imputed to me, and had yet sent it forth to the world under the authority of his name uncontradicted. In the same work there is another passage to the same effect, which, noticing the Rockingham party, says, that the duke of Portland, earl Fitzwilliam, Mr. Burke, Mr. Windham, and some others, attended meetings for a parliamentary reform; which, as far as relates to myself, I deny, and believe unfounded as to the rest. I challenge any one to assert that I ever, either in or out of parliament, contended for that object, which I cannot but regard as a degeneration instead of a reform of parliament. In this House I have uniformly opposed it; and before I had the honour of a seat here, I refused to stand for the city of Westminster, though I might have been returned, because I knew the inhabitants at that time were attached to ideas of reform.* These facts being notorious, I am at a loss to perceive the candour and fairness of the noble lord in circulating reports which he must know to be unfounded. This system of misrepresentation is in my mind much more injurious, than that so much complained of about spies and informers. There is no calculating the evil which it may produce in times of trouble and commotion. It was

* From his connexion with Mr. Burke, and with his old school-fellow Mr. Fox, Mr. Windham now (1782) became, though out of parliament, a sort of member of the party then in opposition, or rather of that branch of it of which the marquis of Rockingham was considered as the leader. In this character, he was strongly solicited to become a candidate for Westminster, whenever a vacancy should take place. The proposal was at first rather agreeable to him, but as his opinions on the then popular question of parliamentary reform, widely differed from those of his intended constituents, he seems to have gladly availed himself of an opportunity of declining the proffered honour. His own account of this transaction will be found in the following letter, which he addressed to a gentleman in Norwich (the late Elias Norgate, esq.) who was a vigilant promoter of his interests in the latter city.

Queen Anne-street, 5th June, 1782.

"Dear Sir;—You have heard, no doubt, from the papers, as well as from a letter or two of mine sent to Norwich, a general account of my transactions, with respect to becoming a member for Westminster. In the whole business, from the first mention of it soon after the general election, to the present occasion, I had remained nearly passive; not thinking a seat for Westminster an offer to be declined, if attainable upon easy terms, nor considering it as an object to be pursued, through the medium of much difficulty or expense. This intention of leaving matters to their own operation, produced at first by the considerations above mentioned, was confirmed afterwards by another feeling, when, by the management of some particular persons, a resolution was carried at one of the general meetings for putting up Mr. Pitt, in case of a vacancy. After that, propriety required, that a renewal of our correspondence should come as a formal invitation from them; and partly in that form it was about to come, that is, as a resolution of the Westminster committee, without any sort of application from me; when, upon inquiry into the general sentiments of the people on the question of parliamentary reform, by which, though my election could not have been prevented, my situation, upon the whole, would have been rendered unpleasant; and from the reflection that, on a vacancy happening in the meanwhile at Norwich, a person might be chosen who could not afterwards be set aside, I determined not to wait till a resolution of the committee might make refusal more difficult, but to forestal their deliberations, by a letter declining the honour that might be intended me. The reasons assigned in my letter were, the difference of opinion that prevailed in some of the independent interest with respect to myself, destroying that unanimity of choice, without which I should not be ambitious of a seat in Westminster; and my disagreement, signified in pretty explicit terms, with many of the opinions that seemed then to be popular. I should flatter myself that no part of this transaction can have prejudiced my interest at Norwich, and that the conclusion ought rather to have promoted it. I am, dear sir, &c. W. Windham."

At the date of the preceding letter, Mr. Windham's friends had just attained office, upon the resignation of lord North and the cabinet which had conducted the American war.—See Mr. Amyot's Life of Mr. Windham, prefixed to his Speeches in Parliament, Vol. 1, p. 13.

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thus, that, early in the French revolution, Foulon was massacred, because it was reported that he had said, "he would make the people eat grass." The influence and dangerous tendency of these party catch-words could not be stronger exemplified than in the hacknied phrase of "Swinish Multitude:" the sense of which expression was completely distorted from that in which it was applied, in the beautiful passage where it was originally made use of. Can any one doubt what was intended by this gross and unmanly perversion of its meaning, if, unfortunately for this country, the party that perverted it had obtained their ends, and fully seated themselves in power?—On one point of the hon. gentleman's main argument I cannot forbear some remarks. He says, that the persons tried are completely innocent, because they are acquitted. Does he mean, then, totally to disregard the presumption of guilt which was cast on them by the finding of the grand or accusing jury? Setting this aside, is there any doubt but that the verdict of a jury pronounces only that the parties were not in a legal sense guilty? But there is a vast medium between legal guilt and moral innocence; and, besides, there might be various stages even of legal guilt short of the specific charge brought against them. As a legislative body, however, we are not to seek the verdict of a jury to guide us, we must look to presumption and probability, and govern our conduct by their evidence. The hon. gentleman, in the same spirit of misrepresentation, has made me deny the distresses of the poor, and sympathised himself, as usual, in an extraordinary degree with the poor of Norwich; whereas, I appeal to the recollection of the House, whether I did not bar and anticipate this misconception and application to the poor of that city. I said, that the distresses of the war were not great, and that those who most loudly complained of them had not felt their pressure at all, not so much as in the relinquishment of the most trifling luxury; and between the rich and poor there is an indissoluble bond and mutual dependance. They are not separate interests, but one, neither of which can be affected without operating in the same proportion on the other. My assertions are thus answered. I said, that a certain description of people had not felt the burthen of which they had complained. He answers me, that others do. I said, that no burthens were at present felt. He answers me, that they will be felt. What course of candour and fair reasoning is a match for this shifting subtlety? Is it, I ask, a culpable degree of aristocracy, to deny the competence of the lower orders of society in questions of peace and war? The direct object of any war must be allowed trifling, compared to the expense of men and treasure, which the most successful termination could be estimated at. It is the remote and complicated objects of war that form the justification of the measure, and neither the ability nor information of the poor enable them to be fit judges of these subjects. It is the great art of people who pretend to think otherwise, to rouse the passions of the people, and not to inform or exercise their judgments, for which they have in fact the most sovereign contempt. In any war which those gentlemen may or ever have approved, would they consult those opinions which they now think proper to exalt into consequence, for purposes of their own? They ask where is the conspiracy, and deny its existence, because there is not legal and technical proof. They contend that there is no danger, because the danger happens not to fall within the precise line of former example. Whereas, the danger now is entirely of the novel kind. A new order of things is looked for, and every previous right and established law is regarded as antiquated prejudice, and inimical to the interests of the people. But can gentlemen, after expatiating on the precise limits of ancient treason, turn short round and say, that there is no danger, because it is not precisely of that kind which ancient experience pointed out, and guarded against? In those days, the life of the monarch was in danger directly, and that offence was dreaded, and guarded against. Now, we have to look to the base and insidious incitement of the lower orders, as the prevailing vice. Every bad and restless passion is called forth under pretence of right and reason. The natural and inevitable distress, which is inherent under all governments, is made the ground of accusation against that constitution which secures to us the least proportion of those evils which ever existed in one community. I mean not to impute any censure to the jurymen who acquitted the persons accused, as the charge was apparently remote from the

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death of his majesty; and plain and honest men are not always possessed of that strength and search of understanding which is necessary to detect cunning and concerted fraud. Many shades of distinction might reasonably be supposed to occur to them from the length and intricacy of the case; and wherever doubt occurs a jury is universally inclined to acquit. It is curious, however, to remark, that when the Report of the Secret Committee was brought forward, it was said, what is your proof, where is your evidence of the facts? And from the silence on these heads it was inferred, that no proof existed. Now the facts, however, are established upon oath; yet fresh objections are instantly stated. On my part, I cannot wish for a more complete refutation of all these patriotic doubts and surmises relative to the plots, than the bare and simple reading of the documents produced in evidence. In this much-vaunted respect for the verdict of a jury, I think that I perceive something of a confined view; for this verdict seems only immaculate and conclusive when it acquits, and instantly that it convicts, its whole nature is changed; *eo instanti* the jury become, as by the touch of a magic wand, transformed into a packed set of hirelings. Who can forbear this observation, who sees the same man celebrate the jury who acquitted Hardy, Tooke, and Thelwall, who had before thought so little of the jury that had condemned Watt and Downie, though their verdict was backed by the confession* of the convict, in a state when every man's word was taken, namely on the point of death. In all the praises of verdicts, this verdict had, by some strange accident, been kept out of sight. We state, that there have been plans and views, call them conspiracies, or by any other name, of the most mischievous nature, to stir up and incite the poor to disaffection and tumult, and finally to insurrection and plunder. But who shall want converts, who tell the poor that the rich are usurpers, and that they have a right to reprisals? Should this be said only to exist in theory, we recur to the practice of a great nation, which had more than realized the most terrible expectations of the most timid. These modern engineers know better than to attack the life of a king directly, and therefore think to elude the provisions of the statutes of treason; they, on the contrary, approach the walls of the town by regular siege, and the hon. gentleman contends that we are from the walls to see them, without molestation, complete their works and prepare their mines. To satisfy us of the great prudence and propriety of this conduct, he adverts to a novel and extravagant philosophical doctrine of national character, which he thinks totally unconnected with soil and situation; but, did it never occur to him, that whatever influence government may have on character, character originally modifies government, and is therefore the prime cause of the ultimate effect. Among other paradoxes he seems to have found out, that nations have no character in common, and are not to take any example from each other. In speaking of the present corruption and depravity of France, he refers all to the effects of the old government; whereas we find that these effects increase in the exact proportion as the new government recedes from the old, and becomes distinctly established. This paradox, however, is not new with the hon. gentleman, of attributing all the errors and excesses of the present state of France to the ancient government, and he seems to adhere to it with all the frenzy and fondness which men usually show to their most extravagant opinions. If, indeed this deplorable effect were owing to the old government of France, we should see its effect follow up closely the destruction of that system; whereas nothing could be greater than the exit of that government which now lies buried under the ruins of all that was excellent in the country. The hon. gentleman has another solution also for this difficulty, namely, the war. The war, he says, has conduced to this state of savage desperation in which we find France. But why, it might be asked, have not other wars and similar difficulties produced the same effect in other nations? Because they were not debased and corrupted by the governments which directed them. This is, however, the poor and common resort of all empirics. If the case does not succeed, it is from this thing or that, and every thing but their own ignorance and want of skill. They were called in too late, the previous treatment was bad, and killed the patient before they came. Mean, paltry, and unworthy argument!

* For Watt's Declaration and Confession, see Howell's State Trials vol. 23, p. 1394.

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The hon. gentleman asks, if the example of the people of France is more to be dreaded here than that of kings in Europe whom with him we might have been induced to call despots, if the liberty of France had not buried all former despotism in the excess of its cruelty and oppression. Triumphant as this argument may seem, nothing is more easily answered. If you reduce the people of this country to the miserable state of the people of France, they will act the same, from the operation of the paramount and leading features of our nature. So, if you reduce a king of England to the state of the monarchs of Europe, he will act the same. What we deplore and deprecate is, the attempt by sly and insidious means, to seduce the people of this country from the noble and honest character they have for ages possessed. The main question between us now is, whether these associations honestly and really proposed however erroneously, a parliamentary reform as it is called, or, under that pretence, the utter subversion of the constitution? Let any man look to the evidence on the late trials, and say honestly from his heart which was in view. There was another object of the hon. gentleman's animadversion and censure, which however was so general and loose, that I find not so much a difficulty in answering it as in understanding it. Some charges can no more be replied to, than the scolding of a fishwoman in Billingsgate. Does the hon. gentleman mean to say that it is dishonourable to accept of office? [No! from the other side.] No! Then, if he gives up that, he gives up all that he has advanced on that subject. The calumnies cast on such things are only to be resisted by the shield of character; to that my noble friends and I resort. I am truly sorry the hon. gentleman is not ashamed of such low, such mean traffic. I defy him to show a single circumstance that can tend to cast the shadow of doubt on our conduct. The malice of the design is so corrected by the impotency of the effort, that I will not sacrifice a word in answering it. The hon. gentleman has asked, why we did not continue as at first, to give an honourable support to ministers, without joining them? Would not support, without responsibility annexed to it be mean, be dishonest? In fact, if I had not come into an ostensible office where would the hon. gentleman have found that responsible character with which he threatens me in future? Of these personal allusions I can only recollect one more, namely, that if I took an ostensible office, I should have resigned the emoluments of it. Does he mean this as a general principle? and if not, why is the exception to be made? As often as this idea has been agitated, it has as often been rejected by the best and wisest of men, and all attempts to reduce it to practice have been regarded as a mean and paltry lure to popularity. He is called upon, therefore, to explain himself more fully on this head, and should disdain to come forward with dark assertions, which he dare not openly avow. I think I have now noticed all the parts of the hon. gentleman's speech, which had a personal allusion, either to me or the eminent characters who came into office at the same time. The more general topics of his speech I shall leave to the refutation, as I promised in my outset, of those who are equally ready and more able than I am.

Mr. *Hardinge* said, that the calumny which had been thrown out on the words "perish commerce, &c." properly belonged to him. He conceived it an honour to be joined with the right hon. gentleman even in a calumny. He avowed that he had said, and he would now repeat, if we are reduced to the alternative of losing either our commerce or our constitution — "perish commerce." This was what he had said, and from this it was that the spiders of detraction spun that web in which they hoped to insnare the right hon. gentleman. He should think himself degraded if he suffered it to remain a moment unexplained.

Colonel *Maitland* rose again to justify the conduct of the earl of Lauderdale, and declared that he was ready to give a flat contradiction to any insinuation that his noble relation intended to act unfairly He said that the words, "from authority," applied to the learned gentleman who spoke last, he being then solicitor-general to the queen; and the right hon. gentleman who complained so much of misrepresentation, was not then in administration. It was also a fact well known, that the duke of Portland did attend meetings for a parliamentary reform, and at one of them preferred a complaint of some transaction in the House of Lords.

The Marquis of *Titchfield* denied that his noble relation had ever attended any meeting to partake in or countenance any measure of parliamentary reform; though

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he had attended many to procure economical reforms; and in confirmation of this he ventured to appeal to Mr. Fox.

Mr. *Fox* said, it was certainly his opinion that the duke of Portland had always been an enemy to parliamentary reform, but it was also equally true, that at the period alluded to, there were meetings which the duke of Portland attended, and in which the idea of a reform in parliament was not discouraged. There was a meeting in Westminster, which met several times, and recommended a reform in parliament. That meeting the duke did attend. His grace stated to the meeting what had passed in the House of Lords on the speech of the late marquis of Downshire, and the committee came to a resolution in consequence of that statement. This proved that his grace not only considered the principle of public meetings as not improper, but as laudable. With respect to the other persons alluded to in lord Lauderdale's letters, it was not true of them, that they were inimical to parliamentary reform. They invariably approved of it; and if it were necessary, he would state the precise opinion which the marquis of Rockingham entertained upon the subject.

Mr. *Erskine* said, that, in order to discuss with precision the expediency of repealing the act which the motion sought to repeal, it was necessary to consider upon what principles, and under what circumstances, it had passed in the former session; because the question ultimately would be, whether a necessity for passing it ever existed? and, if it did, whether it still continued to exist? The act which the motion sought to repeal was, an act introduced upon the spur of a necessity assumed to be imminent, to suspend the operation of a law which no minister that ever shall exist in England would dare to abrogate; a law, without which England has no constitution; a law which the people obtained by the virtue and firmness of their ancestors, after a great crisis in the government, and which they could not, and would not, submit to part with. To do justice to the minister (for he would misrepresent no man), this truth was fully admitted by him when the suspension bill was prepared. The suspension of any law was admitted to be the highest act of authority, which the legislature of this country never delegates to the highest magistrates even of the most insignificant law under which the subject lives and is protected; *à fortiori*, a law upon which the very being of public liberty depended.—But it was said and truly said (for he admitted the proposition, though he denied the application), that there are conjunctures in all states, in which laws made for universal protection must yield to a paramount necessity, and that, as Blackstone says, "the nation, in such case of imminent necessity, parts with its liberty for a short season to secure it for ever." The existence of this paramount necessity was therefore assumed by the minister in the last session; when after having advised his majesty to arrest the persons and to seize the papers of many of his subjects, he farther advised him to send a message to that House on the subject, which was brought by the secretary of state on the 12th of May last. This message informed the House, that his majesty had discovered the existence of a traitorous conspiracy to hold a convention which was to subvert the government, and assume to itself all the functions of parliament. He had read the terms of the message, to show that the House did not suspend the Habeas Corpus act upon a vague undefined suspicion of a conjectural conspiracy, but upon what appeared to it to amount to sufficient evidence of a distinct, specific treasonable conspiracy against the government: not, as Mr. Windham had stated it, a general suspicion of undefined danger from seditious libellers or disturbers of the peace but a positive accurately delineated, and defined conspiracy, to hold the convention, which was to suspend the functions of parliament. His majesty's message, and the papers it referred to, were, in consequence of it, referred to a secret committee; that secret committee, by its report published the evidence, and declared the existence of the same defined specific conspiracy: the chancellor of the exchequer then moved for the suspension of the Habeas Corpus, on the same specific ground; and the preamble of the act itself recited its existence.

The Habeas Corpus act, then stood suspended to the 1st of February, not as to a day that had any thing particular in it; not as an epoch in the country; but as to a period within which the House expected that what had happened would take place: viz. that the matter contained in the reports on *ex-parte* evidence, would be confirmed or negatived, and explained

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in the judicial proceedings set in motion by the House in consequence of its answer to the crown. The attorney-general's duty, therefore, under all these circumstances was, to set the criminal law in motion—to point it to the charges made by the House—judiciously to prepare the charge, to select the most proper criminals upon the evidence, and so to arrange the evidence, that the grand jury, and afterwards the petty jury, should have the full view of all that the two Houses had prepared. The indictment was therefore prepared, and ably prepared, to meet the whole case, and accurately pursued the views of parliament; and it charged, therefore, as the crime, the conspiracy to hold this specific convention for the traitorous purposes assumed by the reports. The questions of fact, therefore, submitted to the jury, were, whether the defendants compassed and imagined the king's death? and, whether in pursuance of that traitorous purpose they conspired to hold a convention, which convention should assume the functions of parliament? and, whether they conspired to provide arms for that traitorous purpose? and, whether they published the various papers published in the reports, with the traitorous purpose, *i. e.* either to hold a convention for the traitorous purposes charged: or, to levy war and rebellion, generally against the king? The grand jury, which sat, like the House of Commons, on *ex-parte* evidence only, found the bill. Indeed they were differently circumstanced from every other grand jury; for they had before found the bill by their representatives in parliament. And, independently of that legal fiction they were bending beneath the authority of the king, and the two Houses of Parliament: whose pre-judgment had loaded the press for months together; and upon this charge, with greater difficulties to struggle with than he ever recollected in his private practice, the parties were put upon their trials. They severed in their defences; the crown had its election, whom it would try first; and Hardy was fixed upon, on every principle which could guide professional men in the exercise of a great public duty: for he might be said to be privy to what he called the whole body of the evidence. The case of Hardy was opened by the attorney-general, who had been an active member of the House during the conjuncture which led to the trials, and a member of the secret committee; who, besides, attended the king's ministers assembled in council; who was present at all examinations; and who, added to these advantages, had he believed, inspected and studied every paper the most remotely connected with the cause; and who was more master of all their bearings than he could have supposed the human mind capable of containing, above all learned and intelligent men, upon such trash as this House had set it to work on.

Mr. Erskine then said, that he was prepared to show, by the sequel of the proceedings, that the juries by their verdicts had, not merely by probable inference, but almost directly and technically, negatived the existence of the conspiracy, upon which the suspension of the Habeas Corpus avowedly was founded. In order to establish this, the attorney-general had divided the cause into three branches; first, whether the treasonable conspiracy charged by the reports, and which was made the foundation of the indictment existed at all in any body. Secondly, whether the prisoner Hardy, had a share in it? Thirdly, what was the legal consequence of the establishment of these two propositions of fact? On offering the first branch of the evidence, he (Mr. Erskine) had objected to reading the writings, and proving the acts of a great number of persons scattered throughout the kingdom, most of whom, indeed most of whose existences, were unknown to Mr. Hardy. He had insisted, that the connexion between the actors and writers with the prisoner should first have been established, before the minds of the jury should have been affected by their actions or their writings. He did not mean to argue that point, or to consider its legality: it was enough for him, that it was over-ruled by the court, because it let in the whole evidence which the House had collected—every thing in both reports, and a hundred times more: all that any man in any society in England or Scotland, professing the objects of reform, had done, or written, or said; even the whole, or the most material part of the evidence against Watt, at Edinburgh; Watt, the spy of government, who was hanged to set the thing a going. If the prisoner's counsel had prevailed in their objection, it might have been said, with some air of truth, that the jury had not before them all the materials for judgment, which had been before the House; or, if any technical legal objection had been successfully made, to the relevancy or admissibility of any part of the report, the

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same thing might have been said: or, if it had been said before the jury *alio intuitu;* if it had been offered as proof of a criminal disposition in the prisoner Hardy, and not of a general conspiracy, the same plausible argument might have been employed; but he undertook to show, first, that the whole report, or as much of it as the attorney-general thought suitable to the purpose, was received in evidence at the trial, that no objection prevailed against it, and that it was given in evidence directly and technically to establish the very proposition predicted by the House in its report: so much so, that the chief justice, following the arrangement of the attorney-general, expressly and repeatedly stated to the counsel and the jury, that the general evidence was not evidence which could affect the prisoner, unless afterwards brought home to him; but that it was received to establish the existence of a conspiracy, without which he could not have conspired, viz. a conspiracy to hold a convention for the subversion of the constitution, which the indictment charged; the identical specific conspiracy asserted in the preamble of the suspending statute, founded upon the report of the two Houses of Parliament. It was plain from this view of the trials, that the major proposition of fact, without which neither any secondary matter of fact, as affecting the individual, or any matter of law for the court to consider of, could arise was the belief of the jury, that a general conspiracy, such as the indictment charged, existed somewhere. The lord chief justice had expressly put the cause in that way, in ruling the admissibility of the general evidence on Hardy's trial. He said, that there were two questions of fact, and a legal conclusion, if the facts rendered any legal conclusion necessary: first, whether the conspiracy, as charged existed at all; secondly, whether Hardy was party to it; and thirdly, what was the legal consequence if the two propositions of fact were established—"If," said the court addressing the prisoner's counsel, "the jury are convinced of the first, *cadit questio*, your client is not responsible, there is no matter of fact for application to the prisoner, and no law for me to deliver." This statement was undoubtedly correct, since the only way that the debated question of treason could arise was, whether the existence of the conspiracy, charged by the indictment, if found by the jury, did amount either by inference of law, or irresistible conclusion from fact, to a compassing of the king's death? Mr. Erskine said, he built this argument upon the foundation of justice to the attorney-general, which he willingly rendered; for he never contended that a thousand libels on parliament put together, could amount to the crime charged; nor the most seditious intention of approaching parliament by seditious riotous, tumultuous assemblies; but only that if the prisoners contemplated utterly to subvert the whole constitutional authorities, including the king's prerogative, thereby destroying the regal office, which no king was likely to survive that this was a compassing the king's death, without any evidence of a direct conspiracy against his person. Whether this be law or not, is luckily wholly and absolutely irrelevant to the view he meant to take of this question; and, therefore he protested against giving the House any jurisdiction upon it in this posture of the debate, for very obvious reasons. He had already delivered his opinion on the subject; and though he by no means agreed that an advocate was bound in his own person, for any statement of the law as counsel at the bar (a dangerous proposition for the country), yet he did voluntarily and solemnly now declare that his opinion did go along with all that he delivered upon the trial on the subject, and that he believed it was an opinion which no argument nor any length of time could change. This, he said, was a mere digression as it would be folly to suppose that the House should support his opinion in opposition to that on which it had staked its character with the country; and he was therefore ready, for argument's sake, to suppose the law to be as the House had declared it; and that upon the matter before the House, when viewed *ex parte* only, there was a reasonable ground for believing in the supposed conspiracy; because, still the question before the House returned back in its genuine shape, viz. whether, after the judicial inquiry, which the House always intended should decide the question, and which could alone decide it, the conspiracy which the House had believed, and, for argument's sake had reasonably believed, on viewing one side of the evidence could now be constitutionally believed and acted upon, after decisions founded upon the view of both? To decide this question with incontrovertible force, he said, it was clear to demonstration that the jury could not have

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acquitted Hardy upon any other principle upon earth, consistently with common honesty and common sense, than upon the utter disbelief of the existence of the major proposition of fact, *i. e.* of a conspiracy such as the indictment charged, existing at all. Whoever would read the attorney general's opening which was published by Mr. Gurney,* would see this illustrated with great force. The House could not complain that its cause was not wholly and entirely laid before the jury; for the attorney-general, pursuing the views of the House maintained, and with great ability, first, that a conspiracy, such as was charged, to subvert the government, actually existed, and that the whole body of the evidence manifested that specific conspiracy; secondly, that Hardy was a party to it; and, lastly, the conclusion of law, which as he had observed already, could not arise, till both the facts stood established as a foundation for it. The attorney-general having maintained the major proposition, by laying before the jury the whole mass of the reports, with a variety of other matter, the benevolent invention of spies, felons, and miscreants, next proceeded to maintain that to which he confessed, he saw then, and saw now, no possible answer, viz. that, if the conspiracy existed, Hardy was necessarily involved in it; and he never should forget, if he were to live for ages, the emotion of his mind upon this part of the argument, which he always considered to be invulnerable. He had said at the moment, to his worthy and learned associate Mr. Gibbs, that if stooping under the pressure of prejudice, or distracted by the extent of the materials, the jury should be led to suppose that a general conspiracy existed, for which, undoubtedly, there was not the smallest foundation, the guilt of Hardy was a mere corollary, and certainly it was; for, take out the correspondence of Hardy from the evidence and the whole fabric vanished like an enchantment.—He was secretary of the most active and bold society; he was, in fact, its founder; he composed its original institution; he was the first mover to the convention in Scotland: he was the first mover, also, to the holding of that second convention, the conspiracy to hold which was the charge in the indictment.—Whatever was done, he did: whatever was known, he knew; whatever was in contemplation, he contemplated.—If there was a conspiracy, he unquestionably conspired. Mr. Erskine said, it fell to his lot to open the case of this unfortnate man, and, if he had known what he should have then felt, he would have shrunk back from it; not from the difficulty of the case, for he thought that nothing, but from the load of prejudice that hung about it. His learned coadjutor and himself having the same opinions, and being resolved to pursue the same course, they had indeed but one, and that was, to grapple with the existence of the conspiracy: for although he did not rashly and madly admit, that the establishment of the conspiracies necessarily involved Hardy, yet he never set about the denial of it, because there were some propositions which no prudent advocate would urge; if he had urged it, he must have lost all credit with the honest and judicious men who were to decide upon his client's life and death. This was so much the case, that the chief justice, in summing up, divided the cause into two branches, as it had been before divided upon the arguments for admitting the evidence; and told the jury, that the principal question, and which was a mere unmixed matter of fact, was the conspiracy as charged, and Hardy's share in it; and after having summed up the general evidence, he said, he was sorry to say, that, if that evidence satisfied them that a convention was intended to be held for the purposes charged, the prisoner stood in an awful predicament; for he not only stood implicated in the larger part of it, but it had been but feebly urged by his counsel that he was not. The judge said true: we forbore to urge it because we knew that it was not tenable ground. As little reliance had we upon the law as we stated it; for though we were firmly convinced that the defence was invulnerable in point of law, not only by the statute, but even by all the authorities, yet we did not expect that the jury would prefer our statement, as advocates to the judgment of the court, whether well or ill founded; but we looked to the great sheet-anchor of the cause viz. The gross falsehood and absurdity of the supposed conspiracy on which we relied, and on which we prevailed. The jury, after retiring a very short time, pronounced Mr. Hardy Not Guilty, to the very general satisfaction of the public, as it was at least generally understood, and the court adjourned for some days.

On the trial of Mr. Horne Tooke, the

* See Howell's State Trials, Vol. 24, p. 191.

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chief justice, so far from bringing into doubt or question the propriety of the former verdict, reminded us that, in point of technical form, the verdict should be proved; and nothing was hinted from bar or bench, that there was the smallest cause of dissatisfaction. Mr. Tooke being one of the Constitutional Society, most of the addresses to Paine, relative to France, were brought home to him: yet they were found to be perfectly consistent with an attachment to the forms of our own government. And why were they not? How can it be inconsistent with the subject of a free government, to congratulate another nation for asserting its freedom, though in a dissimilar form? When shall we get rid of bugbears, which are conjured up for our disgrace and our destruction? The acquittal of Mr. Tooke, he next said, was a most important place to rest in the matter before the House; it was a great era in the proceedings; in his own opinion, quite decisive of what the House ought to do that day. In order to state what was done with precision, they must look first to see who the persons indicted were, and what was the direct evidence against them. The attorney-general had properly fixed on, as defendants, those who had taken active steps as members, conferring and co-operating towards holding the convention; for the only persons comprehended in the conspiracy were the members above mentioned, and Mr. Hardy, the secretary to the Corresponding Society. On Mr Tooke's acquittal, Mr. Joyce, Mr. Holcroft, Mr. Kydd, and Mr. Bonney, the only indicted members of the Constitutional Society, were discharged by consent; and at that period, that their evidence might be given for the next prisoner. On what principle were these four gentlemen discharged? Upon two principles only: by two, he meant two uniting together: first, that Mr. Horne Tooke was honestly and justly acquitted: else his acquittal generated no conclusion in favour of others, who stood in a similar predicament: secondly, that he being innocent, they could not be guilty. And the reason was obvious; for they were engaged in the same object, be it good or evil. The only remaining prisoners under this indictment, were Mr. Thelwall, and the other five members of the Corresponding Society, who were members of the same committee of co-operation; and on the trial of Mr. Thelwall, the chief justice found the acquittal of Mr. Hardy and Mr. Tooke, and the others acquitted by consent, directly in his way: he said, the chief justice—for none of the jury, nor any of the audience, ever entertained a moment's doubt on any part of the case. And, to be sure, the consequence of the acquittals was irresistible; for how could one individual be conspiring with others acquitted? And how could their innocence and his guilt stand consistent? How could the two societies be innocent, who appointed traitorous committees for traitorous purposes, and who received traitorous reports, if they were traitorous? And how could twelve persons meet for the express purpose of subverting the government, and yet six of them should not know what five of the others contemplated? And yet this shameful farce was kept up at an expense ruinous to individuals, until it was fairly beat down by the honest enthusiasm and indignation of the people, which it, in a manner, roused as from a deep sleep.

It only remained to see how all these proceedings affected the case before the House. They had suspended the Habeas Corpus act on the assumed existence, on ex parte evidence, of a specific conspiracy detailed with the greatest accuracy; and they had suspended it for the purpose of judicial trials. They had not convicted one man in England, and they had made the country a scene of triumph at their defeat. Did they mean to go on with the new prosecutions to establish this conspiracy to hold a convention? If they said, yes, let them state the progress: —who were the criminals? what were their numbers? and why are they not now ready for trial? But, supposing they meant to go on, and were still unprepared for trial, the Habeas Corpus act had no operations on treason which would affect the case; they might postpone the trial, under the wise exception provided in the Habeas Corpus act, that the prisoner shall not be bailed or discharged, though not brought to trial in the ordinary course, provided it appears upon oath that the witnesses for the crown are absent. Supposing, therefore, that individuals were still suspected of or charged with treason, or even with this specific treason, now that the matter has been so fully and fairly investigated, why could they not be proceeded upon according to law, without a total suspension of the liberties of the whole nation? Why cannot indivi-

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duals be brought in this as in any other case to justice, without arming the crown with a dangerous authority, which its ministers, in some of the stages of subordination, would, in the nature of things, abuse, and which could not be vindicated upon any principle of general utility or safety? He could not help thinking that this argument pressed more than was conceded, when, notwithstanding the acquiescence of the crown, the verdicts, without being constitutionally questioned, were sought to be discredited; and because that could not be done with effect, the very trial by jury itself was to be brought into disrepute. The right hon. gentleman who had spoke last, instead of speaking to the question, had deliberately defended himself against the attacks of Mr. Sheridan, and seemed to think every body bound to subscribe to his acquittal upon his bare word: for he had called no witnesses, not even to his character, which was his principal defence. He did not wish to question the right hon. gentleman's defence, even under these circumstances. How much more, then, should he respect the cases of men who had called witnesses, and who had been acquitted by their country! He was sorry to see these peevish observations in that place; not because they affected the trial by jury, the value of which was too deeply rooted in the hearts of every Englishman to be impaired by any observations, but because it brought the House of Commons into disrepute, which was already but too much sunk in the estimation of the people.—This consideration led to the only remaining topic, the policy of rejecting the motion—Was this a time for us to affront and teaze the people with groundless jealousies? We, their servants and their representatives—if we, instead of sitting here, the popular branch of government, to protect them, charge them with vague, unfounded conspiracies, let us take care that the charge is not reverberated on us. Above all, let us attend with prudence to the present calamitous conjuncture. If in consequence your enemies, whom you affect to despise, with whom you will not, whom, it seems, you cannot treat with—if they should, as perhaps they may, be in a short season upon our coasts to invade us—if the present system continues, who is to defend the country? Who but this insulted people whom you calumniate? The people only can do it, and they only will do it, as they feel an interest worth the exertion. Let the chancellor of the exchequer attend to the maxim happily expressed by the poet, and no less happily applied by his great father * to the case of alienated America;

> "Be to their virtues very kind,
> Be to their faults a little blind;
> Let all their ways be unconfin'd,
> And clap a padlock on their mind."

Mr. Serjeant *Adair* said, that before he entered into the general question, he wished to guard the House against a fallacy and misapprehension which had arisen from the popular description of the act in question, and of other acts of a similar nature. They had been called suspensions of the Habeas Corpus act; but that title was by no means applicable to them, in the extent in which it had been applied; only one single clause of that most excellent act, that was applicable to the offence of high treason, had been in fact suspended; all the rest of that valuable act was left untouched, and in the full possession of the people of this country, as much as if no such act as that of the last session had ever taken place. The act of last session suspended that clause by which persons indicted for high treason were entitled to be tried within a limited and precise time. If ministers had used the power conferred upon them by that act illegally and wantonly, he had no difficulty to state, as a lawyer, that the persons so treated would have an action of false imprisonment. Whoever abused that power, was amenable to the laws of England. The remedy provided by those laws was not affected by any thing in the present act. It had been most industriously stated out of doors, that by the Habeas Corpus suspension bill, all the rights and liberties of Englishmen had been surrendered into the hands of ministers. For what purpose these misrepresentations had been made, was best known to those who had made them. He fully and entirely acquitted his learned friend of every thing of that sort. The question for their consideration was, whether there was any thing now before the House to induce them to repeal that act before the time assigned for its expiration. That must depend on one or other of these two questions—whether there was any thing to satisfy that House, that they had ori-

* See Vol. 16, p. 103.

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ginally passed the act under any mistake of the then existing circumstances, or whether any thing had passed since that time that had removed the original ground upon which the act was founded? With respect to the first point, so little had been attempted to impeach it, that it seemed there was nothing to answer. Many circumstances clearly showed, that when the suspension act passed, an urgent and weighty necessity actually did exist, and no argument had been advanced to show that it did not. It remained, therefore, to inquire, whether any thing had occurred which had done away that ground, which had been decided upon by the wisdom of parliament. Upon that, hardly any thing more was to be said than upon the former point. It was necessary for those who moved for the repeal of the suspension bill, to show to the satisfaction of the House, either that no conspiracy existed at all, or if it had existed, that it had now been completely done away. The gentlemen on the other side had boldly stated, that the late trials at the Old Bailey had disproved the existence of a conspiracy. He was very much surprised at the language he had heard respecting the effect of the verdicts of juries. No man had a higher respect than he for that institution; but he was very far from thinking, that the institution of juries would either be advantageous to individuals or to the general administration of justice, if the verdicts of jurics were to be attended with those effects which had been stated by some gentlemen. It came to this general proposition, that by the verdict of acquittal of a jury, the innocence of a party acquitted was completely and for ever, and in all cases, established beyond all doubt and controversy. That was a proposition to which he could not agree; and notwithstanding the high language of his learned friend, notwithstanding the supposed insult to the prisoners that had been acquitted, he could never agree that it was not constitutional, that it was not decent, that it was not proper, whenever the occasion should occur, even to arraign the verdict of a jury, *in that House*, whenever the truth and justice of the case should warrant it, and whenever that inquiry became necessary, for the decision of the question under deliberation. If that was so, what was to become of the superintending power of parliament; of that power which, by the constitution, was lodged in them for correcting the abuses of every part of the administration of justice from the highest to the lowest? What was to become of the control of parliament over corrupt judges, to impeach them, if the verdict of a jury was to weigh down the rights of parliament? The control of parliament was the only remedy provided by the constitution for suppressing the corruption of judges, as well as for removing, as much as possible, every defect in every part of the administration of justice. If it was done on just grounds, and with decency, it was the duty of every member of parliament to point out all such abuses. If it was done on frivolous and weak grounds, a man must expose himself. But to say that it was not orderly, that it was not proper, that it was not constitutional to arraign in that House, the improper conduct of any person, from the highest to the lowest, who was concerned in the executive or judicial government in the country, excited his surprise. He said he held himself perfectly at liberty, if he thought the verdicts in question were reprehensible in any respect—if he thought they were corrupt—to say so to that House: there was nothing before the House that called on him to arraign the late verdicts, because the principles of the administration of criminal justice gave the fullest refutation to all the consequences which had been attempted to be drawn from those verdicts.

His hon. and learned friend had very properly stated, that it was the duty of the grand jury to interpose between the sovereign and the subject, to prevent the subject being vexed and harassed with a frivolous prosecution. What was the duty of a grand jury? In the first place, they ought to be clearly satisfied, that the charge stated in the indictment preferred to them, existed. On that point, it was the duty of the grand jury to have clear and satisfactory evidence, otherwise they were not faithful to their oaths. They ought not to present any criminal to be tried, till they were satisfied the offence charged actually existed, and had been committed by somebody. Another thing of which they ought to be satisfied, was not that the person charged was guilty, but that the existence of the offence being established, there was a probable ground laid for charging the particular person with it, against whom the indictment was preferred; that there was such

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a reasonable presumption of his guilt as to make it fit and proper to put him on his trial, in order to account for his conduct before a jury of his country. The finding of the grand jury, established two propositions (as far as the authority of their opinion could decide), that the conspiracy which was the subject of the indictment, had an actual existence, and that there was probable cause for imputing that conspiracy to the persons accused. The next consideration was the petty jury in contra-distinction to the grand jury. When, in a civil case, a question of property between man and man came to be decided by a jury in a court of justice, they must either give their verdict for the plaintiff or the defendant. They must form a judgment on the evidence, and according to its preponderancy, give the property either to the one or the other. But if the jury were so to decide in a criminal case, they would neither do justice to the prisoner nor the public. It is their duty to be clearly satisfied he is guilty of the charge against him, otherwise they ought to acquit him. It was not enough that there was a preponderancy of evidence against him. He did not mean there should be demonstration, because the affairs of human life did not admit of that species of evidence. But if there was a sound and well-weighed doubt, that ought to weigh in the mind of sober and discreet men, their duty in such case is to acquit the prisoner. Such a verdict was not founded, as in a civil case, on the preponderancy of the evidence, but on a reasonable doubt of the guilt of the defendant. This was not only the general law, but was the explanation of the law given to the jury, who found the verdicts in question, by chief justice Eyre, who presided at the late state trials. But there was another principle in the criminal law of England, to wit, humanity, and according to that principle, it was held to be better for the administration of justice, that twenty guilty persons should escape, than that one innocent person should be punished. Did not that very principle presume, that twenty guilty persons might be properly, honourably, and judicially acquitted? The proposition itself implies it. This was a maxim of the law of England, and every man of generous and honourable feelings went along with it. This, then, being the nature of criminal proceedings, and this being the principle of the criminal law of England, was it possible to contend as a general principle, consistent with common sense, that a verdict of acquittal was, in the mind and conscience, a proof of the innocence of the party acquitted? It was inconsistent with the rules of criminal law and of criminal justice. But the result of the verdict of acquittal was, the restoring the party acquitted, to all legal purposes, in all legal consequences, to the condition of an innocent man. From the circumstance of being acquitted, the party, in the eye of the law, was innocent, as to life, liberty, and property. As far as the law could protect him, he was exempted from all the legal consequences of guilt. That, and that only, was the general effect of a verdict of acquittal.

His hon. and learned friend had stated, that there were three propositions for the consideration of the court and jury, at the late trials. 1, The existence of the conspiracy; 2, Whether the persons indicted were guilty of it; and, 3, The law on the subject. His learned friend (Mr. Erskine) had contended, that the gentlemen of the jury must have given their verdict on the first of these propositions, on finding that no conspiracy existed. But he did not see very clearly how his hon. and learned friend could know that the jury drew their inference from one proposition, which might have been equally drawn from all the three. Unless the jury themselves had explained from which of the three propositions they had drawn the conclusion, the learned serjeant thought he was better authorised to argue, that the jury founded their verdict on the proposition that, in their minds, the evidence was not brought home to the different prisoners. His learned friend had stated, with a considerable degree of confidence, that on the first trial, in his judgment, it was impossible to acquit on any other ground than a doubt of the existence of that conspiracy. If that had been so, they would not, he conceived, have been entering on that discussion that day. He begged the House to attend to what would have been the probable consequence, if his learned friend had distinctly stated that before the jury. It was stated both by the bar and the bench, that there was first the general evidence to prove the existence of a conspiracy, but that was not sufficient, unless it was brought home to the prisoners. That being the ground

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stated to the jury, the existence of the conspiracy was a preliminary question. If it had been the opinion of the learned judge, that the existence of the conspiracy was not proved, would he have suffered the time of the Court and the public, for weeks after it was established, to be wasted, if there were no grounds of a conspiracy against any body? If there had been any doubt of its existence, the juries would not have been kept day after day, and night after night, from their families, till they had gone through the whole body of the evidence. It would have been absurd to have made a long inquiry, whether Mr. Hardy was guilty of a conspiracy, if no conspiracy ever existed. If it had been the opinion of the jury that no conspiracy had existed after the evidence was gone through on two of the trials, would they have considered for upwards of two hours, whether the defendants were guilty or not? If, on the trial of Mr. Hardy, they had found no conspiracy existed, that would have been an answer to the indictment brought against Mr. Tooke; and yet he was five days on his trial; which proved, to a demonstration, that the jury believed in the existence of a conspiracy somewhere.

With respect to the arguments advanced by his learned friend, to show that the prisoners could not have been properly acquitted, unless the jury were satisfied that there was no conspiracy, they had made a very strong impression indeed upon his mind. He had treated that point very ably; and, notwithstanding the verdicts of three juries in favour of the innocence of these gentlemen, his learned friend had gone a great way to convince him of their guilt. Though it was not his inclination, to arraign the verdicts of the juries, he by no means felt himself bound to support them, if, by the arguments of other gentlemen, they were proved to be erroneous. Had his learned friend, in his zeal for disproving the existence of a treasonable conspiracy, succeeded in proving to the House, that, if such a conspiracy did exist, it was impossible, consistent with the evidence, to have acquitted his clients from having had a principal share in the guilt:—had (said the learned serjeant) his friend who spoke last, successfully established that proposition;—and should it happen, that the House, judging from undisputed facts, and written evidence which could not deceive, should still remain clearly convinced of the truth of the conspiracy in question—whatever conclusion might be drawn from these two propositions, so stated, against the verdicts of the juries, his learned friend, and not himself must be answerable for that conclusion. The House must decide for itself, whether it would abide by, or renounce the opinion declared in its own reports: whether, acting in its deliberative capacity, and possessing an equal knowledge of the facts, it would give up its own judgment to that of any jury, however respectable it might be. It was not an immaterial circumstance, that it was now admitted by the counsel for the prisoners, that all the facts on which the two Houses of parliament had grounded their reports had been fully established by legal evidence, and which had been uncontradicted. His learned friend had observed, although the facts stated in the reports were admitted, that the jury had negatived the conclusion. This the learned serjeant utterly denied. But suppose a jury, admitting all the facts on which parliament had formed a deliberate judgment, should have thought fit to draw an opposite conclusion, was the House quite prepared to surrender to the verdict of a jury the deliberate opinion of the whole legislature of the kingdom? Could this mode of argument be supported on the principles of common decency or common sense?

The learned serjeant here, in opposition to Mr. Erskine's statement of the law of high treason, contended, that the law on that subject, as laid down at the late trials, was that which had been held to be the law of the country from the time of lord Coke down to lord chief justice Eyre. Every elementary writer on the subject, every judge who had sat upon the bench, had uniformly laid down the same principles upon this point. The king, in his political, still more than in his natural capacity, was the object of protection in the laws respecting treason; because it was in his political existence, that the stability of the government, the public tranquillity, and the safety of the state, were most immediately and essentially involved. A direct and express design against the natural life of the king, was therefore not necessary to be presumed, to convict of high treason, under the clause of the statute of Edward 3rd, for compassing the king's death: but every conspiracy to overturn the established government and depose the king, was as

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much a treason of that description, as a direct attempt to assassinate the sovereign; in short, it was, in contemplation of law, an overt act of compassing the king's death.

The eloquent gentleman who introduced the motion, had asked, if it was high treason for a number of men to meet together *bonâ fide* for the sake of a parliamentary reform? God forbid, that any such doctrine should ever be maintained by him, or any member of that House: he would not say that those persons who had really met for that purpose were either guilty of high treason, or of any other offence: for men, conscientiously acting on the conviction of their own minds, to pursue a temperate reform, by legal and constitutional means, might be innocent, might even be laudable; but no means could be legal or constitutional, but such as were sanctioned by the legislature, as established by the existing laws, acting in the manner, and according to the forms, prescribed by the constitution. And it was not by the use of the words "legal and constitutional," and the flimsy pretext of a parliamentary reform, that such measures as those men had dared to adopt, whom an hon. gentleman had been pleased to represent merely as innocent enthusiasts, could escape the indignation of all good men, or ought to be protected from the punishment of the law. To satisfy every unprejudiced man, that the professed object of a parliamentary reform was merely a coloured pretext, and that the real purpose of the popular societies lately established, or at least of those men who directed their operations, was a total subversion of the constitution of the country, he need only recall the attention of the House to some leading facts already within their knowledge. The first mode of judging of their intentions was, the books which they disseminated with so much industry, and recommended with so much zeal, to the perusal of their countrymen. That men engaged in the prosecution of any favourite design, would recommend those publications which appeared best adapted to their views, and most likely to persuade others to concur in the same objects, as a general proposition, was too plain to be denied. That, as applied to the case in question, and to the views of those conspirators, which gentlemen on the other side had so strenuously endeavoured to palliate or excuse, it was a fair and candid rule of judging, and no refinement of the crown lawyers, he would appeal to their own associates, to men of the same description with themselves. The Revolution Society at Norwich, in a letter of the 4th of May, 1792, to the Constitutional Society in London, expressly say, "The opinions and principles of the society are best explained by an appeal to their literary representatives." Now, sir, who are those literary representatives? Here, again, they shall speak for themselves—"The Rights of Man, by Thomas Paine, and the Advice to the Privileged Orders, by Joel Barlow, have been read with attention, and circulated with avidity." Whoever will read the proceedings of the different societies in London, Southwark, Manchester, Stockport, Leeds, Derby, Leicester, Birmingham, Warwick, Bristol;—in short, of all the popular affiliated societies, formed on the same Jacobin model, throughout the kingdom, will find, that they, too, have made the same election of literary representatives; and that no representatives could more faithfully have spoken the language, or maintained the principles, of their constituents. Is it not, then, somewhat singular, that in all the works of these literary representatives of men who have been boldly stated to pursue no other object but a parliamentary reform, there should not be found one single word recommending that as a desirable or practicable object; but, that it should be uniformly treated as a measure impracticable and absurd; not only, not to be expected from the legislature, but which that legislature was absolutely incompetent, in point of authority, to effect?

Having now seen, Sir, that the doctrine of parliamentary reform is not that inculcated by these literary representatives to whom the societies have so distinctly appealed, for an explanation of their own principles let us see what are their doctrines. They are "That the boasted constitution of England is a jumble of absurdities and contradictions, a mere delusion upon the people, equally repugnant to liberty and common sense: that England has no constitution: and that nothing can deserve that name, or be consistent with the freedom or happiness of mankind, where aristocracy is tolerated, or monarchy suffered to exist." Accordingly, we find the same good people of Norwich, in the same letter, deliberately asking the question, "Whether the gene-

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rality of the societies mean to rest satisfied with the duke of Richmond's plan only, or whether it is their private design to rip up monarchy by the roots, and plant democracy in its stead?"

The learned serjeant then observed, that having seen what were the tenets of these societies, as expressed by their literary representatives; the next mode of judging of their designs was, by the allies with whom they chose to associate. What had the Jacobin Club at Paris, what had the National Convention of France, to do with a reform of the parliament of England? Yet these were the models whom our popular societies chose to imitate, and these the allies with whom they were most eager to be connected. On the 11th of May 1792 the Constitutional Society in London, voted an address to the Jacobins, by the style of "Brothers, and fellow citizens of the world!" The language and sentiments of that address were worthy of the persons who used them, and of the persons to whom they were addressed. "We cannot conceive," say they, "a more diabolical system of government than that which has hitherto been generally practised over the world." They tell the Jacobins, "that it would have given an additional triumph to their congratulations, if the equal rights of man had been recognized by the governments around them, and tranquillity established in all: and that they "can see no mode of defence equal to that of establishing the general freedom of Europe." These, Sir, are the terms in which these friends of parliamentary reform, exhort the Jacobins of France, to that system of proselytism and conquests, which has deluged the face of Europe with blood, and shaken her governments to the foundations. And here, it is worthy of remark, that they did not yet think fit to address the National Convention, and why Sir, did they not then address it? Because the convention had not yet ripped up monarchy by the roots. There was yet a king in France. The monarch formed, as yet, at least a nominal branch of the constitution of that unhappy country. But, when the revolution of the 10th of August had done away the miserable remnant of royalty, when they had deposed and imprisoned their king; when the hands of the Jacobin party, which then domineered in the convention, were yet reeking with the massacres of September and the instrument of death was thirsting for the blood of their sovereign; then, and not till then, the convention became an object of the admiration of our innocent enthusiasts, and, on the 11th of October, the London Corresponding Society resolved on an Address to the National Convention of France. Then, and not till then, our English reformers tell them, "that the oppressed part of mankind, forgetting for a while their own sufferings, feel only for theirs, and with an anxious eye watch the event, fervently supplicating the almighty ruler of the universe to be favourable to their cause, so intimately blended with their own." Then, for the first time, it is found out "to be the duty of Britons to countenance and assist, to the utmost of their power, the champions of human happiness and to swear to a nation, proceeding on the plan they had adopted, an inviolable friendship." "We feel ourselves," say they, "the victims of a restless and all-consuming aristocracy, hitherto the bane of every nation under the sun. Wisely have you acted in expelling it from France;" and again "If you succeed, as we ardently wish, the triple alliance, not of crowns, but of the people of America, France and Britain, will give freedom to Europe, and peace to the whole world. Dear friends, you combat for the advantage of the human race. How well purchased will be, though at the expense of much blood, the glorious privilege of saying Mankind is free! Tyrants and tyranny are no more!" These, Sir, soon after the deposition of the king, and the ever-memorable massacres of September, were the sentiments of the London Corresponding Society, "instituted," as we are told, "for the sole purpose of promoting a parliamentary reform." Glowing as is the language of affection and fraternity contained in this Address, the House cannot but have observed, that it is not from the mere dictates of pure philanthropy and disinterested benevolence to all men, that they "supplicate the Almighty to be favourable to the cause of the French Convention," but because they consider it, to use their own words, as, "intimately blended with their own." Now, Sir, if we suppose, as it is plain some of their own associates did suppose, that the private design of these addressers was to "rip up monarchy by the roots, and plant democracy in its stead;" to depose their king, to abolish monarchy, to annihilate the peers, and to establish in

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England a representative government, on the broad basis of liberty and equality, as explained and practised in France, it is not difficult to conceive that they might consider "the cause of the French convention as intimately blended with their own." But if the professed object of a reform, by legal and constitutional means in the mode of parliamentary representation, was the true and only purpose of their hearts, what the National Convention had to do with that object, or how the cause of the one could be blended with the cause of the other, I must leave (said the learned serjeant) to men of more refined ingenuity than myself, to make out to the satisfaction of the House. Be that, however, as it may, the fact is certain, that this measure of addressing the National Convention so totally irreconcileable with the professed object of these societies, but so perfectly consonant with the existence of that conspiracy for which I am contending) appeared to themselves of such importance to their own views, whatever those views might be, that it was immediately adopted by the other leading society in London, the Society for Constitutional Information, and made the subject of circular letters to all the popular societies in Great Britain, recommending it to their imitation as a measure most essential to their cause. Soon after, on the 21st of December a Committee of Foreign Correspondence is appointed; their proceedings are directed to be entered in a separate book; and the deputies sent to the French Convention, in a language not liable to be misunderstood, and incapable of being explained away, but in a language fully recognized and adopted by the societies from whom they were deputed, declare "that they consider the example of France as having made revolutions easy;" and "that it would not be extraordinary if in a short time the French should send addresses of congratulation to a National Convention of England."

As a farther proof that the real object of these popular societies (notwithstanding they professed to be instituted for the purpose of promoting a parliamentary reform) was what he imputed to them, Mr. serjeant Adair next adverted to the Declaration of the Southwark Society, instituted chiefly by Mr. Thelwall, in which there was not a word referable to a reform of the House of Commons, but a direct avowal of Mr. Paine's principles of a representative government, in these resolutions, which he stated; "That equal active citizenship is the unalienable right of all men; minors, criminals, and insane persons excepted;" and "That the exercise of this right in appointing an adequate representative government is the wisest device of human policy, and the only security of national freedom."—He argued farther in support of the same proposition from the proceedings of the British Convention at Edinburgh. He instanced several of them, all which, he contended, accorded with the idea of the conspiracy and design, for the existence of which he had been arguing; but none of them with the idea of a real, *bona fide* pursuit of the object of a reform in parliament; especially, when one of their earliest resolutions was, to renounce all future applications to the legislature, on the subject of such a reform. They uniformly imitated the style and manner of the French Convention; their language was the same; their forms of proceeding were the same; their committees the same; of all which he stated instances; and above all, he contended their principles were the same. However impotent, however insolent, however even ridiculous the instances of their assuming a legislative style in their proceedings might appear, yet that they had assumed it, nobody who read their proceedings could deny. But, of all their acts, that which most strongly developed their principles and designs was, the memorable resolution ordered to be inserted at the end of their minutes, whereby they solemnly pledged themselves to each other, "declaring, before God and the world, that they would follow the wholesome example of former times, by paying no regard to any act which should militate against the constitution of their country, and should continue to assemble and consider of the best means by which they could accomplish a real representation of the people, and annual elections until compelled to desist by superior force;" and they resolved, "That the first notice given for the introduction of a convention bill, &c. or any bill for the suspension of the Habeas Corpus act; or in case of an invasion, or the admission of any foreign troops whatever into Great Britain or Ireland: all, or any one of these calamitous circumstances," say they, "shall be a signal to the several delegates to repair to such place as the secret committee of this convention shall appoint. The first seven members shall

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have power to declare the sittings permanent; shall constitute a convention. and twenty-one proceed to business."

These, Sir, are declared to be the occasions, and this the manner, of assembling the intended convention, which was to meet for the sole purpose of effecting a parliamentary reform, by legal and constitutional means. A hostile invasion of the bitterest enemies of England, the declared enemies of all order and government, was selected as the happy opportunity for arranging the representation in parliament, for reforming the constitution of the kingdom. Such was the favourite moment, to be eagerly seized on, as best calculated to promote the views, and facilitate the designs, of these legal and constitutional reformers. That some design, supposed by the conspirators themselves to be dangerous, was meditating about this time, or even earlier, in England, is manifest from the style of their correspondence. In a letter of the 25th of July, 1793, from the London Corresponding Society to the societies at Norwich, the latter are exhorted to activity, but above all, "orderly and courageously preparing themselves for the event; for" (say they) "it is natural to suppose that those who now prey upon the public, will not willingly yield up their enjoyments, nor re-possess us of our rights, without a struggle. It may be advantageous to humanity to show them, that their opponents are neither mob nor rabble, but an indignant oppressed people, in whom is not yet entirely extinct the valour of their forefathers." Here, then, we see plainly, that some persons however unwilling, were to be forced to yield up their enjoyments; that some awful event was looked to, for which they must be courageously prepared; and a struggle was to be expected, in which they might have occasion to exert the valour of their forefathers. Need I say more, Sir? Are these expressions adapted even to the wildest plans of parliamentary reform? What courage is required in the exercise of the supposed rights of universal suffrage or annual election, or in any lawful and legal means that could be taken to obtain them? Is there a man who hears me, who can doubt that something more, and something else, was intended?

But, Sir, in what followed, these societies, exasperated and disappointed, by the prudence and vigour of government in the dispersion of the Scotch Convention, were led, by precipitancy and loss of temper still farther to throw off the mask, which at times they had continued to assume. Resistance to the laws became now their avowed doctrine; a convention, chosen by them and their associates, claiming to act as the representatives of the nation, and assuming the power to redress their grievances, and alter the constitution, by the sovereign authority of the people, was now their professed object. On the 17th of January, 1794, the Constitutional Society resolve, "That law ceases to be an object of obedience, when it becomes an instrument of oppression." "That we see with regret, but we see without fear, that the period is fast approaching, when the liberties of Britons must depend not upon reason, to which they have long appealed, nor on their powers of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it is exercised." Thus, Sir, the government of this happy country is represented as a tyranny, and the laws, handed down by our ancestors, are stated to be mere instruments of oppression, no longer the objects of obedience; and those liberties of Britons, which have so long been the envy of the world, are boldly affirmed to depend not upon reason, but upon the resolution to oppose tyranny, by the same means by which it is exercised—by force. At a meeting on the 20th of January, at the Globe Tavern, said to consist of near 2,000 people, such doctrines as these are addressed to the people of Great Britain and Ireland:—"The Irish parliament, and the Scotch judges, actuated by the same English influence, have brought us directly to the point. There is no farther step beyond that which they have taken. We are at issue. We must now choose at once either liberty or slavery for ourselves and our posterity. Will you wait till barracks are erected in every village, and till subsidized Hessians and Hanoverians are upon us?—You may ask, perhaps, by what means shall we seek redress?—We answer, that men in a state of civilized society are bound to seek redress of the grievances from the laws; as long as any redress can be obtained by the laws. But our common master whom we serve (whose law is a law of liberty, and whose service is perfect freedom), has taught us not to expect to gather grapes from thorns, nor figs from thistles.—We must have redress from our own laws, and not from the laws

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of our plunderers, enemies, and oppressors." Can words contain a more explicit avowal of the means by which their purposes were to be effected? They must have redress from their own laws, laws made by the usurped authority of their delegates in that convention which, for that purpose, they were treasonably attempting to convene; and not from the laws made by the legislature of their country, as by law established, in the King, Lords, and Commons, whom they so decently and respectfully describe, as their plunderers, enemies, and oppressors.

The resolutions founded on these doctrines, are adapted to the doctrines themselves. They appoint a committee, "to watch the proceedings of parliament, and the administration of the government of the country," and they resolve, that on any of the emergencies there stated (similar to those stated by the Scotch Convention, except only the case of invasion, which is omitted) "the general committee shall issue summonses to the delegates of each division, and also to the secretaries of the different societies affiliated and corresponding with this society, forthwith to call a general convention of the people, to be held at such place, and in such a manner, as shall be specified in the summonses, for the purpose of taking such measures into their consideration." On the 27th of March, 1794, the Corresponding Society declares the immediate necessity of calling a convention of the people, which is acceded to by the Society for Constitutional Information. A committee of co-operation and correspondence is appointed by both societies for carrying that object into effect, and circular letters are directed to be sent to all the popular societies in the kingdom, inviting them to concur in the measure. These letters contain the following remarkable passage—"Rouse then to one exertion more, and let us show our consciousness of this important truth—if we are to be beaten down with threats, prosecutions, and illegal sentences, we are unworthy—we are incapable of liberty. We must however be expeditious, Hessians and Austrians are already among us; and if we tamely submit, a cloud of these armed barbarians may shortly be poured in upon us. Let us form then another British Convention. We have a central situation in our view, which we believe would be most convenient for the whole island, but which we forbear to mention (entreating your confidence in this particular) till we have the answer of the societies with which we are in correspondence."

These expressions were too plain to need a comment. The last proceeding of these dangerous and infatuated men, to which he should call the particular attention of the House, was the meeting at Chalk Farm, on the 14th of April, 1794. At that meeting, among other things scarce less reprehensible, it was resolved, "That any attempt to violate those yet remaining laws, which were intended for the security of Englishmen, against the tyranny of courts and ministers, and the corruption of dependent judges, by vesting in such judges a legislative or arbitrary power (such as has been lately exercised by the courts of justiciary in Scotland) ought to be considered as dissolving entirely the social compact between the English nation and their governors, and drawing them to an immediate appeal to that incontrovertible maxim of eternal justice, that the safety of the people is the supreme, and, in cases of necessity, the only law.—That the arming and disciplining in this country, either with or without the consent of parliament, any bands of emigrants and foreigners, driven from their own country for their known attachment to an infamous despotism, is an outrageous attempt to overawe and intimidate the free spirit of Britons, to subjugate them to an army of mercenary cut-throats, whose views and interests must of necessity be in direct opposition to those of the nation, and that no pretence whatever ought to induce the people to submit to so unconstitutional a measure.—That the unconstitutional project of raising money and troops, by forced benevolences (and no benevolences, collected upon requisition from the king or his ministers, can ever in reality be voluntary), and the equally unjustifiable measure of arming one part of the people against the other, brought Charles 1st to the block, and drove James 2nd from the throne."—Here, Sir, the principles of anarchy and confusion, the dissolution of government, the doctrine of resistance to all lawful authority, are expressed in terms too plain for the dullest to mistake, or for the most subtle to explain away. The people of England are told, that by the measures, alleged to have been taken, "The social compact is entirely dissolved." Those measures are represented as an

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attempt to overawe the free spirit of Britons, and subjugate them to an army of mercenary cut-throats: they are exhorted to disregard the authority of parliament, and urged to an immediate appeal to that maxim of eternal justice, "that the safety of the people is the only law." And the example of the execution of Charles 1st, and the expulsion of James 2nd, are falsely, wickedly, nnd treasonably held forth, as referable to circumstances existing at the present moment. The House of Lords, too, have their share in this audacious attack upon every thing connected with the government and constitution of the country; and after alluding to a proceeding in that House, they state, with an insolent irony, their conviction, "that, when properly detailed, it will have a considerable effect in convincing the country of the true dignity and utility of that branch of his majesty's parliament." Thus is it, Sir, that these innocent enthusiasts, these reformers of the constitution, who meant nothing but a parliamentary reform, and only pursued a laudable object, with a little, perhaps, of indiscretion—Thus is it, Sir, that they express their own views and opinions—Thus is it that they endeavour, by inflaming the minds of others, to lead them to concur in measures which their cool judgment would abhor, and to urge them (under pretence of asserting rights which they never possessed, and regaining that liberty which, thank God, they have never lost) to resist the laws, and overturn the constitution of their country. And shall we again be told, Sir, not only that no treason has been committed, but that there existed no dangerous or criminal conspiracy of any kind, nor any thing but harmless associations, for the purpose of parliamentary reform?

The hon. gentleman who introduced the motion, had arraigned with some asperity the conduct of those, who, as he alleged, were for ever introducing exaggerated pictures of the disorders that had attended the French revolution, and had reprobated in an unusual style of eloquent declamation, the use of the words "look to the example of France!" which, he said, were never brought forward but to inflame or mislead. Whether it was possible for any eloquence to draw an exaggerated picture of the disorders and calamities of that wretched kingdom, the learned serjeant doubted; but he doubted still more the wisdom of rejecting the lessons of prudence, of foresight, and of prevention, which were so strongly afforded by the miserable experience of our neighbours, or of overlooking the awful warnings held forth by the scenes of ruin and desolation, daily passing, as it were, before our eyes, the alternate effects of the wildest anarchy and most ferocious despotism. But if it could be said, that we were not "to look to the example" of France, even in that point of view; what, said the learned gentleman, must be the understanding, what must be the principles, what must be the feelings, of those men, who can look to the example as an object of imitation and of envy. The cause of the Jacobins of France has been a continued warfare against law and property, order and government, morality and religion. The massacre of September, the destruction of Lyons, the drownings of the Loire, the complicated horrors of La Vendée, are a few only of their measures, uniformly marked with the character of rapine and of blood. The annihilation of commerce, the destruction of agriculture and manufactures, the depopulation of the country, and the misery of its surviving inhabitants, are the natural effects of the Jacobin system, which has prevailed. Yet the very model of the Jacobin club of Paris, and of its affiliated societies, was that pursued by the corresponding popular societies in Great Britain, and from which they borrowed their constitution, their forms of proceeding and in many instances their very language. These men, such as I have described them, and the convention over which they ruled, and which they made at once the instrument and accomplice of their crimes, are addressed as "brothers and fellow citizens of the world!" "The champions of human happiness," to whom Britons are to swear an inviolable friendship; and their cause is that, to which the framers of the address I have mentioned, have impiously dared to "supplicate the Almighty ruler of the universe to be favourable," and which they have chosen to consider as "intimately blended with their own." Well, therefore, Sir, may we "look to the example of France," as a warning to put us upon our guard so long as there is a man to be found in this country, who looks to it as an object of imitation.

Having stated these observations, the learned serjeant alleged that the motion of the hon. gentleman for the repeal of the suspension bill, could only be supported

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on one or other of these two grounds—either that the House had been deceived or mistaken, as to the original foundation of the act, or that such foundation had been done away by something that had happened since. On the first ground, he had not only the decided opinion of the House itself, founded on the reports of most respectable committees of both branches of the legislature, but all the facts of these reports had since been verified by legal evidence, and remained to this moment uncontradicted; and he trusted that, independent of authority, the recapitulation of a few only of these facts had convinced every unprejudiced mind, beyond a possibility of doubt, of the real existence of the conspiracy stated in the bill. He had already given his reasons why the verdicts on the late trials did not appear to him in the least degree to affect that part of the question; if, therefore the parliament had deemed the existence of the conspiracy stated in the bill a just and sufficient ground to support the measure, when first agreed to, how could they, consistently vote for a repeal of that bill, before the time of its expiration, unless some new facts were stated, or arguments adduced to prove that the conspiracy has ceased to exist. The learned serjeant insisted he had heard no such facts stated, nor any satisfactory arguments to that point. Had these societies dissolved themselves? Had they even discontinued their meetings? Had they altered their constitutions? Had they renounced or disavowed the principles they before professed? He had heard none of these things alleged, nor did he think such motions as the present were likely to produce those effects. He therefore thought himself, bound, by every principle of public duty, to negative the motion.

Mr. *Fox* said, that if a person unacquainted with the rules of proceeding in that House, had listened to the speech just delivered, he would have thought he had heard a learned serjeant pleading for a new trial, an inflammatory orator exciting to war, by a declamation on the state of France, or an admirer of the constitution opposing some motion for altering the government: but it never would have come into his head, that the speaker was attempting to prove the necessity or the use of continuing the suspension of the Habeas Corpus act. On this, which was, in fact, the whole question in dispute not one word had been said by his learned friend. Whenever the repeal of that suspension was proposed, the proof lay all on the side of ministers; for if they could not prove, that to continue the suspension was absolutely necessary, it ought not to be continued for a moment. They were bound to do more:—they were bound to prove that it was useful. But, of what use could they now prove it to be; or what good purpose could they show to be answered by it? Had they discovered, a new treasonable conspiracy? or, having failed in their first attempt to prove treason, did they know of any new persons fit to be taken up on the old plot, and on whom a second experiment might be made with better hope of success?

It had been asked, wherein the difference consisted, between the state of the country when the suspension act was passed, and its present state? It consisted in this, that ministers had prosecuted the persons whom they considered as the principles in the alleged conspiracy; that, with respect to some, they had failed in establishing the charge, and, with respect to others, had declined proceeding. They were now called upon to say what object they expected to obtain, by continuing the suspension; for their old object was gone. Would they say, that they had prosecuted the wrong persons, that the conspiracy existed, although they had been mistaken as to who were the conspirators, and that they meant still to go on prosecuting? They could not say so, for the effect of the verdicts of not guilty, at least the prudential effect, as appeared by their own conduct, was, that not a single person was now under prosecution on account of the supposed conspiracy. It was unworthy of the talents of the learned serjeant to attempt to influence the House, by arguing as if it were intended to set up the decision of a jury as paramount to the authority of parliament. Was the suspension of the Habeas Corpus act a question of general legislation? He feared it was; for, from what he had heard, there was too apparently an intention to render it perpetual. But, on a particular case, which parliament, by what some thought sufficient ground for a temporary measure, had been induced to adopt, would it at all derogate from their dignity to yield to the decision of juries, perhaps more in the habit, and better fitted for the investigation of evidence, and with more evidence before them? With the learned serjeant he did not, in one point of view, love to

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contend because there was no man for whom personally, and on account of his constitutional principles on most subjects, he felt more respect; and few men possessed greater powers of reasoning. But, in another point of view, he loved to contend with him, because in general he stated his adversary's argument fairly. Hence the argument of the learned serjeant, and that of his hon. and learned friend (Mr. Erskine) as stated by him, were by no means incompatible, and both went in fact to support the motion. The jury acquitted Hardy, either because they did not find a treasonable conspiracy made out by the evidence, or because they did not find that Hardy was implicated in the conspiracy. Now, he contended, with Mr. Erskine, that they acquitted him on the former reason. Why? Because all the papers alluded to by the learned serjeant were signed by Hardy or brought home to him as a party, and if the jury believed that those papers contained proofs of treason, they could be under no difficulty in finding that Hardy was an accomplice in that treason. Which was it more easy to imagine, that the jury did not think the papers amounted to proof of treason, or that they could not read Hardy's name at the bottom of them? The learned serjeant in a speech chiefly intended to show the treason contained in those papers, appealed from the jury to the House—"And here," said Mr. Fox, "let me adore the trial by jury! When this speech was made to another jury (Thelwall's), a speech which has been to-night received with such plaudits, that we seemed ready *ire pedibus in sententiam*, it was answered with a cold Not Guilty. Such would have been my verdict, had I been in their place; such will ever be the judgment of men consulting their conscience and not their passions. But such is the partiality of the learned gentleman for his own chain of reasoning, that he will rather believe the jury blind to the name of Hardy, at the bottom of the papers he signed, than deaf to his arguments, that these papers were full of treason." Mr. Erskine, he contended, had renounced no part of what he maintained as the law of treason, on the trials. But it was said he had not rested the defence on that alone, which, if true, would have been conclusive—if he had omitted any point that could be urged he would, in such a case, have failed in his duty to his clients. It was said from the bench, that the argument of Hardy's not being implicated in the conspiracy, supposing the conspiracy to be proved, had been but little relied upon by his counsel; a strong presumption, at least, that the verdict of the jury was founded on their disbelief of a treasonable conspiracy. On the law of treason (for discussing which at large a proper time would come), he should only say now, that he maintained the doctrine of his honourable and learned friend (Mr. Erskine), and the admirable maxim of lord Coke that *judicandum est legibus non exemplis*. He reprobated Mr. Windham's doctrine of making old laws apply to new cases by construction, which, he said, had made the learned serjeant shudder, and which no jury, no judge he hoped would ever adopt. [Mr. Windham said, he did not mean that juries should go farther than construction was warranted by precedent.] Neither precedent nor authority would sanction the kind of construction which the right hon. gentleman had talked of, and he would recommend to his attention the advice of lord Hale, viz. that if new cases should arise not within the letter of the treason, it would be the wisest way to consult parliament, and to be very wary of making constructive treasons by parity of reasoning; for if that practice were once adopted, no man could know where it would end. Prophetical was this expression, and to this law he adhered; for, if it were not law, there ought to be an act of parliament declaring it to be so.

The inquest of a grand jury was secret, and on *ex parte* evidence. The very nature of its functions took from the authority of its decision. The finding of a grand jury was not, even in law, a bar to an action against a malicious prosecutor; much less could it be adduced as a proof of legal or moral guilt against the acquittal of a petty jury. Before a grand jury witnesses might be brought (he meant not to insinuate that such had been the case in the late prosecutions), that no prosecutor would dare to produce before a petty jury, where they were to be cross-examined, confronted with other witnesses, and their characters investigated. A grand jury might be deceived, not only with respect to the appearance of guilt against an individual, but even with respect to the existence of the crime charged. It was not by any means necessary that the judge or the jury should have said that the proof of the conspiracy had failed the moment the evidence for

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the prosecution was closed, although he should have felt no difficulty in saying so. They might think that there were matters which required explanation on the part of the prisoner, and therefore hear his defence, and when they had heard it, they could not refuse to hear the reply on the part of the prosecution.

But, were he to give up this part of the argument, and admit the conspiracy, how would the matter stand? There would then be a conspiracy without conspirators. Gentlemen of such acuteness as to define and divide our successes in the campaign could easily conceive the abstract of a conspiracy without conspirators, like Crambe in Martinus Scriblerus, who swore that he could, "frame a conception of a lord mayor not only without his horse, gown, and gold chain, but even without stature, feature, colour, head, feet, or any body, which he supposed was the abstract of a lord mayor." If they had tried every man and woman in the kingdom, and found that none of them were accomplices, this abstract of a conspiracy could not be very formidable. They had not done this in form, but they had done it in fact. They had charged certain persons with conspiring together, and with other persons unknown. Some of these they had tried, and the juries returned verdicts of not guilty. If they thought these verdicts wrong, why did they not go on? Why did they suffer others to be acquitted, without attempting to prove the charge, against whom they had as good, if not better evidence? All the guilt must now lie with the persons unknown. Did they mean to drag these persons to light, and bring them to trial? They would not pretend they did. They ceased to prosecute, because they were satisfied they could not convict. They had, therefore, virtually acquitted every man and woman in the kingdom, except the few whom the juries acquitted of this treasonable conspiracy, and nothing but the abstract of it was left. Was it to guard against the abstract of a conspiracy that the Habeas Corpus act was to remain suspended, and the people deprived of the best safeguard of their liberties? A right hon. gentleman (Mr. Windham) had given an explanation of his former words, "acquitted felon," but an explanation as unsatisfactory as the expression itself, and had asked how others could rejoice in such acquittals? "For my own part," said Mr. Fox, "I hardly remember when I felt joy more nearly approaching to exultation than on these acquittals. I rejoiced that the country was rescued from the foul stain attempted to be fixed upon it. I rejoiced that we had escaped from the perils of constructive treason. I rejoiced that the people would see through the slanders by which they had been deluded into a ruinous war; and, as I believe they have done, more in consequence of those acquittals than of any other circumstance, recover from their delusion, and wish that war at an end." A man, it was said, might be acquitted on a misnomer, or a flaw in the indictment, which would be no proof of his innocence;—granted; but was either the case in the trials for treason? To what end, then, were such grounds of acquittal alluded to? A man charged with picking a pocket might be acquitted for want of legal evidence, and yet nobody doubt of his guilt: true—because men charged with such offences might have so concealed their actions, that, although their guilt was believed, there could be no proof either of the act or the intent. But was this the case of any of the persons charged with treason? Was proof wanting of their actions, their words, nay, almost of their thoughts? On Thelwall's trial, a letter had been produced, written indeed by him, but never sent to or seen by any person till his papers were searched. This reminded him of the unpublished papers produced as evidence on the trial of Algernon Sydney, a circumstance, which, perhaps, more than his merit, great as that was, had endeared his name to posterity; for it was one of the most valuable qualities of our nature to ascribe merit where we saw persecution. Every thing done, said, or written by the prisoners, had been brought against them; the jury must have acquitted them, because they could not so qualify their acts, as they were qualified in the indictment; and therefore their acquittal was a complete declaration of their innocence. A jury, it was said, was bound to acquit when doubtful. The House was now sitting as a jury on the palladium of the liberty of the subject, and surely ought in this to imitate the conduct of a jury, and not decide against it without clear proof. It was said, that to suspend the operation of it would save the necessity of bringing other persons to trial. Just such was the defence of *lettres de cachet* in France. They were

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only to save the necessity of bringing people to trial; but they might do this for the whole life of the prisoner. He lamented to see men whom he esteemed, accustom themselves to speak of such things with patience, for indefinite imprisonment had been the instrument of tyranny in all countries.

When the late lord Camden, a man deservedly popular, and to whom, as a constitutional lawyer, the country had great obligations, once defended a measure of government as being only "a forty days tyranny," how much indignation did the expression excite. Even from such a man, English ears could not endure to hear of a forty days tyranny. But now, men could talk without a blush of suspending the safeguard of the subject against capricious or mistaken imprisonment for any length of time. It was said, that gentlemen who would not allow the verdicts of English juries to be impeached, had thought themselves at liberty to treat the verdicts of Scots juries with very little respect. When Scots juries should be ameliorated, and put more nearly on the same footing with English juries, their verdicts would be entitled to equal deference. When, however, he read the trials of the two persons convicted of high treason in Scotland, if indeed, it was not an abuse of words to call the trial of Downie a conviction, he had flattered himself that all alarms about treason were at an end. In Scotland, where the House had been taught to believe that the growth of treason was most formidable, he found that nothing like treason could be proved against more than one obscure man; that this man had been in the pay of government for giving information against others; and that, disgusted with his employers, or more probably with the view of enhancing the price of his discoveries, he had endeavoured to inflame the minds of those with whom he associated, and to provoke them to criminal excesses. What was the consequence? that he was almost immediately abandoned, and his conduct reprobated by the very persons he attempted to mislead, and at last fell the victim of his own violence or treachery. When he read all this, he was persuaded that men must see how unfounded their alarms had been.

But the very existence of ministers depended upon alarms. By a false alarm of the crown being in danger, they had originally come into office; by false alarms they had maintained themselves in office; and melancholy it was, that some of those who exposed their early artifices with the greatest zeal and ability, had since joined in filling up the cry. Their whole conduct had been one tissue of alarms; not a moment had they suffered to pass, not an incident to occur, without agitating the minds of the people by the most inflammatory declamations on some imaginary danger. Well had his hon. friend who made the present motion, in a style of eloquence of which he knew not how to speak in adequate terms, described their expedients of calling out the militia, suddenly convoking parliament, marching cavalry from the country to the capital, and fortifying the tower, to give a colour to their alarm of insurrections in 1792. Were any of these hidden insurrections proved on the trials for high treason? Not one. Why? Because they never had any existence but in the imagination of the deluders and the fears of the deluded. "When," said said Mr. Fox, "we complain that they are undermining the constitution which they would be thought to save, they start from defence to accusation, they charge us with intending to subvert the constitution, and exultingly ask,

Quis tulerit Gracchos de seditione querentes?

When they are constantly dinning in our ears that the example of the French people ought to put us on our guard against the licentiousness of the English people, and calling upon us to prevent licentiousness by cutting down every fence of liberty, we have surely a right to say, that the example of foreign despotism ought to put us equally upon our guard against the increasing power of the crown. In what instance, they demand, has the king of England been made more like the tyrants of the continent? I answer, by the alien bill, by the traitorous correspondence bill, by the suspension of the Habeas Corpus act. Are these light or trivial instances, or how many more do they mean to give us? Have they yet deigned to tell us, or do their incurable and increasing alarms point out where they may be expected to stop? Thus, with their usual injustice, they charge us with intending to do what they, on pretext of preventing us, are constantly doing. The dissenters, formerly, in times at least as perilous to the family on the throne as at present, approved the firmest friends

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of the constitution, are now represented as its enemies, as meditating nothing less than the subversion of church and state, and the destruction of private property. The dissenters endeavour to repel the charge by rational argument and peaceable demeanour. An orthodox and loyal mob prove it upon them by burning their houses, menacing their persons, and plundering their property. Why is it that men in other respects of acute mind and sound judgment, cannot see to which side the charge of insurrection and anarchy properly belongs? It is because their understandings are blinded by excessive fondness for a system of reasoning of their own invention; because the natural love of our intellectual offspring is as powerful as our love of the offspring of the body; because real dangers make no impression when compared with the phantoms of a distempered imagination."

The separation between him and many of those with whom he had long acted in politics, and been connected by the dearer ties of private friendship, no man could lament more sincerely than he did. Those who had lately given a great accession of abilities and character to the cabinet, he was persuaded had been influenced by no personal views, but had acted as they thought would be most advantageous to their country. But, while he did justice to the purity of their motives, he could not help observing that they had given a deadly blow to public confidence in public men; a very serious evil to the public in his opinion. They had weakened all the reciprocal ties, by which men, who differed on particular points, as all men of liberal and active minds must ever do in some degree, were enabled to act together on a general system of politics—the only mode in which the government of this or any other country could be conducted. They, however, had acted from their own conviction of the best means of averting the dangers with which they imagined the country to be threatened; and would, he hoped, do him the justice to believe, that in adhering to the course they had long pursued in concert with him, his motives were equally honest. It was difficult, he knew, in the present inflamed state of men's minds, for personal friendship to survive political union; but what seemed difficult was not always impossible, and nothing consistent with his sense of duty to the public should be wanting, on his part, now to give an instance. For many of them he entertained the most sincere personal regard; and with one, in particular, the noble earl appointed his majesty's representative in Ireland (earl Fitzwilliam), he had cherished a friendship from his earliest youth which, matured by long intercourse, and endeared by mutual kindness, was entwined with his very habits of thinking, and which nothing but the utmost violence could ever tear from his breast.

Every time the propriety of suspending the Habeas Corpus act was called in question, being, as ministers themselves were obliged to confess, not a permanent but a temporary measure, they were bound to show that it was still necessary. He would appeal triumphantly to every man who had listened to the debate, whether a single argument had been adduced to show that continuing the suspension was of any use. Was it treason they were afraid of? Where did it lurk? Every step they had taken since the suspension of the Habeas Corpus act served only to prove that the allegations of treason were unfounded. Were they afraid of sedition or misdemeanor? Over these the suspension gave them no more power than they had before, for its operation was restricted to treason only. Many of the papers produced on the trials had been read in the course of the debate, and by those who read them maintained to be indisputable proofs of treason. Many of those papers with very little alteration, he himself would subscribe. That which proposed calling general meetings to prevent certain unconstitutional measures specified, from being passed into laws, he would readily sign. Those with whom he had formerly acted, the friends of the late marquis of Rockingham, had always maintained and actively inculcated the propriety of calling meetings of the people in their respective towns and districts, to discuss important matters pending before parliament, and make known to parliament, as far as it could be collected, the opinion of the people at large. The paper setting forth, that the time seemed not to be far distant when tyranny must be resisted by force, he would also sign, but not without some correction, for he was far from looking to the event, as the writer professed to do, without fear. If such a measure as a convention-bill were to be introduced into parliament, those who should call public meetings to oppose it, by collecting and declaring the general

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sense of the country, would act not only innocently but meritoriously. We dwelt on the crimes committed under the name of liberty in France, till we could see no danger, but from one extreme, or were ready to pardon every outrage and excess committed on the other. Why were the errors or the crimes of a people trained under the yoke of despotism, to no ideas of justice or humanity, but the will, caprice, or passion of the strongest, to be charged upon the friends of rational liberty, as things which they approved and wished to introduce? A majority of that House had voted for the abolition of the slave trade. If the negroes in our islands were to emancipate themselves by force, who did not see to what excess beings degraded by a system of oppression below the standard of reason, and almost of human nature, would carry their power of acting for themselves, or how dreadfully they would retaliate upon their former masters? Yet, would any man affirm the cruelties they might commit to be inherent in the natives of Africa, much less that every one of the majority who voted for the abolition of the slave trade, wished them to be committed?

Between what England now was, and what France was before the revolution, there could be no resemblance. Our people were inured to very different habits, and trained to very different feelings. Our constitution, maimed and mangled as it now was, differed less from a republican than from any despotic form of government; less from the government of America than from that of Russia or Prussia. When gentlemen talked of monarchy in Great Britain as the same in substance with monarchy in most parts of the continent of Europe, they put a change upon us by substituting the name for the thing. Our constitution was a republic in the just sense of the word; it was a monarchy founded on the good of the people, in a race elected by parliament, the representative of the people; limited in its functions and controlled in the exercise of those functions by the united wisdom of the nation for the general benefit of the nation. Let us return to the old maxims of administering such a government: let us remember that the attachment of the people to the constitution was not to be secured by alarm and terror, but by practical experience of the blessings derived from it: that wars of speculation, whether undertaken with the view of making conquests or extirpating opinions, were always oppressive to the greater part of the people, generally fruitless, and sometimes ruinous; that peace promoted commerce, commerce encouraged industry, industry gave plenty, and plenty content. These were maxims so old and so trite, that no man cared to dwell upon them, for fear of being told that he was repeating what he had learned of his nurse. But they were not the less true for being trite: and when men suffered themselves to be hurried away by a set of new-fangled notions diametrically opposite, could not be repeated too often. If we persisted in the other course, we must go on increasing our debt till the burthen of our taxes became intolerable. That boasted constitution which we were daily impairing, the people would estimate, not by what it once had been, or was still asserted to be in the declamations against anarchy, but by its practical effects; and we should hardly escape the very extreme we were so anxiously desirous of shunning. The old government of France was surely provided with sufficient checks over the licentiousness of the people; but of what avail were those checks when the ambition and prodigality of the government had exhausted every resource by which established governments can be supported? Ministers attempted to fix upon others the charge of innovation, while they themselves were, every session, making greater innovations than that which they now called the most dreadful of all, namely, a reform in the representation in parliament. But it was the infatuation of the day, that, while fixing all our attention upon France, we almost considered the very name of liberty as odious; nothing of the opposite tendency gave us the least alarm. Those who had become converts to this new system, saw nothing but royalists in France, and republicans in England. God grant they could but invert the telescope, see with the eyes of reason, and understand with the understandings of unprejudiced men!

The *Master of the Rolls* insisted that the facts which had been brought to light on the late trials, proved the existence of a treasonable plot beyond all doubt, and therefore, justified the preamble to the bill for suspending the Habeas Corpus act; but he would not blame the juries who acquitted the prisoners on that charge, as he had no doubt they acted conscientiously.

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Mr. *Thompson* said, that there were times, when it might be necessary to forego a part of our liberties to secure them entire, but at the present moment, our situation called for no such sacrifices. If a conspiracy existed, the conspirators might have been tried and punished, without suspending the Habeas Corpus act. He deprecated the many outrages against the liberty of the subject which had taken place in different parts of the country since the bill had passed.

Mr. *Milbanke* said, he had voted against the suspension of the Habeas Corpus act, as he was convinced no plot existed. Those who had contended for its existence would, he hoped, after what had been proved on the late trials, admit that the danger had been much magnified. He had never doubted, that in an age when two great revolutions had taken place so near each other, some men in this country might wish to bring about a revolution but he never believed their numbers to be great, nor did he think the people were disposed to second their views. He condemned the new fashion of traducing the institution of juries by disapproving their verdicts, and trusted that no minister would ever make a custom of suspending the principal safeguard of the liberties of Englishmen.

Mr. *Wilberforce* thought that, in the present state of the country, the true policy to be observed was by all safe means to conciliate the minds of the well-intentioned part of the community on the one hand, and on the other to strengthen the hands of government for the repression and punishment of the factions. He saw no reason to believe that government had abused the power committed to them, and should therefore oppose the motion.

Mr. *Sheridan* said, he had no occasion to reply to the arguments advanced by the other side of the House, for that night they had not brought any forward. The reason of his troubling the House at that late hour was solemnly to ask the chancellor of the exchequer, what would be the state of the country which he might think would give the act to us again. He thought ministers ought to declare, what were the grounds upon which they intended to continue the suspension of the act.

Mr. *Pitt* said, that if no argument had yet been adduced against the motion, it was because nothing had been advanced by the hon. mover that could produce any argument. The whole of his speech had only gone to throw a slur upon the proceedings of the House, in suspending the act. With respect to giving that suspension a longer duration, he could without difficulty state that this would probably be necessary.

At three in the morning, the House divided on Mr. Sheridan's motion.

Tellers.

Yeas	Mr. Sheridan Mr. Erskine	41
Noes	Mr. Serjeant Watson Mr. John Smyth	185

So it passed in the negative.

List of the Minority.

Antonie, Lee	Jervoise, C. Jervoise
Anson, Thomas	Lambton, W. Henry
Aubrey, sir John	Long, Samuel
Burch, J. R.	Maitland, hon. Thos.
Byng, George	M'Leod, colonel N.
Church, J. B.	Milbanke, Ralph
Coke, T. W.	North, Dudley
Coke, Edward	Plumer, William
Colquhoun, William	Pierse, Henry
Courtenay, John	Powlett, Powlett
Curwen, J.	Russell, lord William
Erskine, hon. Thomas	Sheridan, R. B.
Featherston, sir H.	Spencer, lord Robert
Fitzpatrick, general	Sturt, Charles
Fox, rt. hon. C. J.	Taylor, M. A.
Francis, Philip	Thompson, Thomas
Grey, Charles	Tarleton, general
Hare, James	Vyner, Robert
Harcourt, John	Vyner, R. jun.
Howard, Henry	Walwyn, James
Jekyll, Joseph	Whitbread, Samuel
St. John, St. Andrew	

Debate on Earl Stanhope's Motion against any Interference in the Internal Affairs of France.] Jan. 6. Earl *Stanhope* said, that since he had last the honour of debating the proposition which he meant that night to offer to their lordships, the opinion of the country had been completely altered with regard to the war. The eyes of the people had been opened, and they saw the destruction which must ensue to the country by persevering in the present unfortunate contest. He meant to argue the question with temper; and he trusted that ministers would argue it with temper and moderation also. He undertook to prove that the ruin of the French finances was impossible, and thereby to destroy that great argument which the ministers had always deduced from what they allege to be the exhausted state of the French finances. But however expedient his mo-

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tion might be, it was not on the ground of expedience, or even of policy, that he meant to found his arguments, but on the foundation of substantial justice. The French had solemnly disclaimed the principle of interference in the government of other countries, and from this, he concluded, that the government of Great Britain had no right to interfere in the internal affairs of France. On this subject two documents had been afforded by the French. At the close of the year 1792, when the French ambassador was in this country, he had transmitted an official note to lord Grenville, in which it was explicitly stated, that it was not the intention of France to interfere in the government of other nations.* This was a satisfactory explanation. Soon afterwards the French thought proper to destroy their monarchy, and to form a republican government. The republican constitution had been finally decreed; it was to constitute that mode of government, under which they were in future to live. In the mean time, a revolutionary system had been established, which was to last till the conclusion of the war. The 118th and 119th articles of the republican constitution contained the principles to be adopted in their conduct to foreign powers. The 118th article stated that "the French people is the friend and natural ally of every free nation."—The 119th stated, "that the French people does not interfere with the government of other nations; it does not suffer that other nations should interfere with its own." The noble earl said, that the last campaign had proved every position which he had maintained with respect to the enthusiasm of the French, their resources and finances, and had disproved every argument that had been used by ministers in contradiction to his positions. The idea had been held out that the French armies were a mere undisciplined rabble, while the troops they had to oppose were the finest and most courageous in Europe. The French however had proved whether they were merely an undisciplined rabble, or whether they were not superior to the mercenary bands which had been brought out in array against them. In fact the French Republic was at present in possession of the best organized army in Europe—an army which amounted to no less than 1,200,000 men, completely disciplined, first by adversity and afterwards by success. They neither wanted arms nor clothing; they had been furnished in their conquests with enough of both, in addition to the immense quantity which they had made throughout the republic. The next idea which was held out was, that of starving the French—an idea as absurd as it was horrid and detestable. The humane system of starving 30 millions of people was now, however proved to be impracticable. He trusted, that they would hear no more of that accursed system of starvation. What had this threat produced in France. He had conversed with a man who had been driven from France by the tyranny of Robespierre, "I have a mother and a family," he said, "still in France; how, then, can I endure this idea of starving the people of France?" It was the indignation occasioned by this threat, that had brought forth that spirit and those exertions which were made by the French last year. At the commencement of the year the French were inferior in naval force, and yet the number of ships taken from this country, was infinitely superior to the number which we had taken from them. In the spring of this year, nay, perhaps at the present moment, their naval force was superior to the force of this country. Could they be starved therefore, when they had such a force at sea? Could they be starved, when they had obtained possession of the Palatinate and of Brabant? The French were likewise occupied with the sublime project of cutting a canal between the Palatinate and the South of France, by which supplies of provision might be conveyed from the one to the other. Thus, the two ideas held out with a view of deluding the people of this country had entirely failed. Equally delusive was the system now held out with respect to the French finances, from which it was contended that they would not be much longer able to carry on the war, from a total failure of their resources. The French finances were never so flourishing as at present. By the confiscation of the property of the clergy and of the emigrants, the French government had collected the enormous sum of 400 millions sterling; they possessed one-third of the lands of France, besides all the plunder (that appellation was, perhaps, improper) which they had drawn from the church and the gold and silver saints. By some it had been contended, that the French had issued assignats to the amount of 266 millions sterling. But supposing

* See Vol. 30, p. 251.

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even that the issue was greater; that it amounted to 400 millions; assignats were now at a depreciation of 75 per cent. If, therefore, the French had issued 400 millions, they would still, were they now to call in the depreciated assignats, leave a clear surplus of 300 millions sterling untouched. But it had been said, they had spent last year 160 millions. What was the consequence? That as the fourth part of 160 was 40, they had only spent 40 millions. This was a loss to individuals, but not to the government. In the American war, American paper fell 94 per cent.; but were the Americans therefore ruined? No; that which had gone from the government in a large mass, had melted as it went and returned a fourth part less than its original size, or, according to the words of an excellent author, it had gone from them the size of a snow ball, and had returned to them no bigger than a nut. He insisted, that the finances of the Republic were such as to bid defiance to the united efforts of Europe. All the successes of the French had been ascribed to chance; but he could not help considering them as proofs of the wisdom of the government. If, therefore, it was unjust to oppress a people because they were weak, it was folly to oppress them because they were strong. He remembered the language held during the American war, "You have passed the Rubicon, you must either kill them or they will kill you." The same argument was now attempted to be used. He desired the House to contemplate the consequences of the probable junction of the Dutch and Spanish navies to the French navy. If he were asked with whom are we to make peace, he would reply, with those with whom we make war; with the Republic of France, one and indivisible; with those men whose republican constancy, courage, and ardour had made victory the order of the day. What had we lost, it was asked? We had gained some islands, but we had lost Holland. We had lost 13,000 of the allies we had lost the Austrian Low Countries. We had lost half the balance of our trade. We had lost what was more important than all these, our character of being the friends of general liberty and peace. He would therefore move, "That this country ought not, and will not interfere in the internal affairs of France; and that it is expedient explicitly to declare the same."

The Earl of *Abingdon* said, if the noble lord had set out with showing that the French revolution had no other object in view than merely that of its own internal regulation, that it never had any intention to interfere with the governments of any other countries, his motion might have had some ground to stand upon. But the very reverse of this being the fact, what must be the opinion, in every man's mind, of such a motion as this? Does not the noble lord know that retaliation, "an eye for an eye, a tooth for a tooth," is the law of the gospel? And here, too, is the retaliation proposed. France would have given to this country what they have themselves, namely, anarchy and confusion; Great Britain offers to give them in exchange, what we have ourselves, the happiness of a settled government. Behold, then, the difference—and yet the noble lord objects to this. And how is this to be accounted for, but that the noble lord does not believe in the law of retaliation, although founded upon that christian-like principle of returning good for evil? He does not, therefore, believe in the gospel—and why? because that Jacobinism, which has robbed him of his politics as an Englishman, and more especially as a peer of this House, has taken from him his religion, and in my conscience, I think, has deprived him too of his senses. "Quem Deus vult perdere, prius dementat." He was against the motion.

The Earl of *Carlisle* admitted that the noble earl's proposition was not objectionable in itself, but objectionable or not according to the application of it. If it meant generally, that no nation had a right to interfere with the internal affairs of another country, or with its government, he could not have a difficulty in acceding to it; but if the noble lord meant, that one country had not a right to interfere with another, which had formed such a system of government as contained in it seeds of alarm and danger to the safety of its own, he could not concur in it. That France had laid down the most monstrous propositions, and by open and avowed declarations endeavoured to spread doctrines abroad which were hostile in the extreme to other governments, and especially to such as were of a monarchical form, was too well established to admit of question. He had only to refer to her decree of the 19th of November 1792. That decree had been acted on by those who passed it. This country had seen the convention receive a hand-

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ful of men, the ambassadors of sedition from hence, in all the ceremony of their assembly; and the whole of her conduct had since been such, as to confirm and corroborate what she held out in that famous decree, and to show that she was determined to realize the doctrines it contained, and take every opportunity of carrying her theory into practice. Neither Great Britain nor Europe could therefore rely on the sincerity of France, with regard to the explanation of that decree which the noble earl had been pleased to give it, till they saw that decree formally renounced, and the line of conduct, that had resulted from it, entirely abandoned. But he must utterly deny, that the interference maintained by the noble earl in his motion was our object in the present war. It was not against the French republic, that we directed our arms, merely because it was a republic, but because it threatened Europe with destruction: a monster had sallied forth from its den, and menaced the adjoining states with ruin and devastation; common safety therefore made it necessary to hunt it back to its retreat, and if possible to hedge it in, so as to secure ourselves from encroachment. He concluded with moving, "That the House do now adjourn."

Lord *Auckland* said, it had been his wish to have entered into an examination of the state of public affairs on the first day of the session, but he had given way to others till he thought it too late to offer himself to the exhausted attention of the House. Considering the part he had taken in the commencement of the war, he should think a farther silence unmanly and unbecoming. He begged leave to premise, that he had now been separated near a year from all official duties, and during the latter part of that period, from all official communications. He mentioned this, not for the purpose of withdrawing himself from any share in the embarrassment of the moment, but because it relieved him from those reserves which naturally attached on every man who was to speak on public affairs, after having recently quitted a long career of public embassies. He had passed the period, to which he alluded, in retirement and had taken no concern in the events of the war beyond the general interest which had compelled him to advert to the current and progress of our calamities. The accumulation of those calamities had been without intermission or respite, and without any incident of a prosperous kind to diversify the scene, or to alleviate the sentiments excited. It was, indeed, true, that, in the seven months of which he was speaking, the interior of France had exhibited scenes of desolation, at which humanity shuddered. But it must at the same time be confessed, that the armies, and the councils of France had manifested great energy and ability. And it had been the inscrutable will of Providence, that their efforts, though founded in, and maintained and maintainable only by crime, should have the fullest success. Whilst our enemies were trying every thing and hazarding every thing the conduct of our allies was of a very different description. He thought he could prove, to any unprejudiced mind, that it was much less what the noble earl had been pleased to call "Republican energy and virtue," than the ill-combined and discordant conduct of the allies, which had brought us to our present position. He acknowledged he had not foreseen the unbounded success of the republican arms. The sad result was, that Europe was now trembling on its basis: the southern kingdoms of the continent were feebly struggling to maintain a defensive war. The late Austrian Netherlands were become part of France; and the independence of Holland, the protection of which had been a primary object of the war, was in extreme danger. The situation of the West India islands was become urgent: and the infernal policy of arming the inhabitants in a mass had been attempted to be extended to the negroes. If we next looked to the state of our naval power, we should see, it was true, a larger and more efficient force than Great Britain ever possessed in the second year of any war. On the other hand, he was unable to shut his eyes against the increasing navy of the enemy; nor could he conceal from himself the possibility that the French naval force might soon derive new strength from an accession of Dutch naval stores, Dutch seamen, Dutch ships of war, and Dutch ports. The consequences to be apprehended, from this state of Europe, it was unnecessary farther to discuss.—Under these circumstances their lordships were called upon to declare, that it would be expedient not to interfere in the internal affairs of France. He would meet this proposition by assuming, that it was fairly and

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earnestly intended to promote a pacification, compatible with the honour, security, and interests of these kingdoms. In order to decide how far it was really calculated for purposes so essential, having given a general statement of our actual position, he would next consider the object to which we were directing our steps.

When we were forced to engage in this struggle, he had fully concurred with ministers, that this country had a just pretension to prosecute the war, not till she should obtain, but for the purpose of obtaining, indemnity for the past, as well as security for the future. It was evident, however, that this claim of indemnity was liable to be qualified and suspended, or even renounced, according to circumstances. With respect to the other consideration, he still thought that it was the duty of government, because it was the essential interest of the kingdom, to prosecute the contest, till a peace shall be accomplished which may be secure and promise permanency. He never would object to any pacific proposition, solely on the ground of its acknowledging a republican form of government in France. It was with reluctance that he should ever consent to such an acknowledgment; but he had always thought it a possible event; at present it was more than possible. The war was not made to prevent France from giving to herself the constitution that she might prefer; but to prevent her from giving to Great Britain, and to her allies, all the wretchedness and horrors of a wild democracy. The noble earl had stated, that the convention had lately renounced the intolerant principle to which he alluded; but the decree which the noble earl had cited to prove this, was only a provisional clause of a constitution not yet in force: let the doctrine of that decree be unequivocally established, and he was ready to say, that he never would interrupt France in her political plans and arrangements at home. In examining our position and prospects, he had been solicitous to avoid two extremes—the extreme of those who seemed to think that peace might be had at any moment, and of those who thought that peace was utterly unattainable. He was far from adopting the first of those opinions. The present leaders of the French Republic were certainly less abandoned in principle, and less ferocious in manners, than the 107 monsters who were brought to the scaffold on the 28th of July. But they might naturally be elated by their successes; they might suppose they had an interest in prolonging the war; they might think it dangerous to bring back into France their own victorious armies; they might persuade themselves that England had much to lose, whilst they had nothing that could be taken, on which they placed any value. On the other hand, he could not admit implicitly the second of those opinions. It might be contrary to the individual interest of the leaders of the day in France to make peace; but it had been seen that they were leaders only of a day. It must be the wish of the people at large to be restored to tranquillity. France required repose; her inhabitants in general wished it; all their habits and connexions, and dearest interests of life required it. Their finances were stretched to the utmost: their population required peace; their agriculture, commerce, manufactures, and subsistence, required it. He was sensible that the revolutionary government might overleap difficulties which would sink any other civil establishment. On this point, also, he was desirous to avoid extremes—the extreme of those who considered the French resources as exhausted, and of those who asserted that they were inexhaustible. It was evident that the resources in question were unsound and unnatural; but he did not know that they were yet stretched beyond the bearings of those unhappy men who were the subjects of that anarchical despotism called the French republic. It was contradictory to all the inferences of common sense, that such a system should have subsisted during five years; but we were not to infer from that circumstance, that it would continue to subsist. Reason must and would at last prevail: the essential consideration, then, was, whether we could in the mean time save ourselves from the ruin which was overwhelming so many other countries. Let the impossibility of maintaining the contest be demonstrated, and he would acknowledge that the moment was come for saying, "Oremus pacem, et dextras tendamus inermes!" But thank God! that was not the case; and till it was, we could not doubt, that, whilst the revolutionary doctrines continued, every exertion should be made that might ultimately suppress them. In this sense, and in this only, he would interfere with the French government, and their internal affairs.

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The Earl of *Scarborough* said, he well knew that the intentions of the noble mover were pure; but he saw strong grounds of objection to the proposition. He admitted, that, as a general maxim, it was unjust for one country to interfere with the internal government of another; but when it was matter of notoriety that the foreign nation was making it an essential principle of her government to endanger the safety of the government of another country, that country was justified on motives of self-defence, in so interfering.

The Earl of *Mansfield* insisted, that our entering into this war was no interference on our part with the internal government of France. When, before the commencement of the war, the French had carried their mad revolutionary system so far, and had avowedly declared their purpose to be the total annihilation of this and every other established form of government, would any man call our defending ourselves from such imminent danger, an improper interference? As well, if we met a man with a drawn dagger in his hand, who declared he meant to murder us the first opportunity, might it be called an improper interference to disarm him if we could. He would state another way in which our interference would be proper. When there were two distinct parties in a country nearly equal, one contending for the power of ruling at their own discretion, and the other struggling, in order to get rid of that tyranny and oppression which was the certain consequence of anarchy and disorder, he would say, as far as that was the situation of France, it was the duty of this country to assist the royalists in preserving the monarchical form of government, as being most conducive to our own interest, and the general tranquillity of Europe; and this he would always advise, whatever price it might cost, and even at the risk of a civil war in that country. For examples of interference in the internal government of other countries, he recurred to history and asked who blamed the queen of England for uniting with Henry 4th for the purpose of restoring monarchy? He desired them to look to the peace of Westphalia, after a thirty years war. Was there not in that instance an interference with the government of Germany? Let us look to the Grand Alliance—was there no interference with respect to the war of the Succession? To the treaty of Utrecht, in which it would be found as an article, that France and Spain were never to be united, even if they desired it; and lastly, to our interference with Holland in the year 1787, so much approved by all parties. He sarcastically complimented the wonderful ability with which the noble earl put in the same way arguments diametrically opposite to each other on the subject of the French finances; last year he had rated their finances high, because they were at par; and this year he rated them high, because they were 75 per-cent. below par; this reminded him of one of Dryden's old plays, in which a lover says,

"My wound is great, because it is so small;"

On hearing which, the duke of Buckingham replied,

"Then 'twould be greater, were it not at all."

The Marquis of *Lansdown* said, he did not rise to defend the motion. He could not go with his noble friend to the degree which the motion held out; he was far however, from regretting that the subject had been brought forward, and trusted that another motion would be made either by the noble earl, or from some other quarter. He did not now mean to argue the principles upon which the war was carried on, or the manner in which it had been conducted; the House did not come prepared for that discussion; but they ought not to dismiss from their view the rapidity with which France had made conquests! the certainty that she had determined on a winter campaign in all quarters; and the extraordinary and increasing progress of her successes. On the subject of this country making acquisitions by a continuance of war, he had always held the same opinion; it was long ago delivered in that House by queen Elizabeth; she told her parliament, "I know how I can get conquests, and how I can extend my territories; but who will teach me how to keep them; and will they contribute to the happiness of my people?" What was the acquisition of Martinique to the loss of Holland? From the general temper of the House, he was happy to forebode unanimity amongst all parties in promoting what must be the great object of all—an honourable peace.

The Duke of *Bedford* disapproved of the motion, both because it was in itself an abstract proposition, and because he could not entirely agree to the words or the manner in which the noble earl supported it. Still anxious that this impor-

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tant question might be fully and fairly met, his grace gave notice, that that day fortnight he would bring the subject again before the House in another shape.

The House divided on the motion of Adjournment Contents, 61; Not-contents, 1.

Protest of Earl Stanhope against interfering in the Internal Affairs of France.] The following Protest was entered on the Journals:

"Dissentient,

1. "Because the motion made for the House to adjourn, was professedly intended to get rid of the following Resolution, viz. 'Resolved that this country ought 'not, and will not, interfere in the inter-'nal affairs of France: and that it is ex-'pedient explicitly to declare the same.'

2. "Because I hold that it is contrary both to equity and policy for any foreign country to interfere in the internal affairs or constitution of the French republic or of any other independent nation.

3. "Because the government of Great Britain (not having been elected by the citizens of France), can have no more right to give to France a monarchical, aristocratical, or other form of government whatever, than the crowned despots of Prussia and of Russia had to overturn the free constitution of now unhappy Poland.'

4. "Because I heartily disapprove and reprobate the doctrine advanced by ministers in the debate, namely, 'That to 'restore the ancient and hereditary mo-'narchy of France no expense should be 'spared.' And I reprobate that pernicious and uncivic doctrine the more strongly, from its not having been suddenly, hastily, or inconsiderately started; but from its having been taken up (as it was solemnly declared) upon the utmost deliberation.

5. "Because I deem it to be an injustice committed by ministers towards my fellow citizens, to adopt a principle which shall render it necessary for the government of Great Britain to lay farther heavy burthens upon the people, and to tax their houses, their windows, their beds, their candles, their shoes, and many other conveniences, and the necessaries of life, in order to provide a fund to attempt the accomplishment of such a wicked purpose as aforesaid.

6. "Because the proposed resolution, above stated, was intended by me, as a solemn pledge, that the government of this nation would not interfere in the internal affairs of France: but the refusal of the House to give such a pledge, tends to shut the door to peace, and consequently tends to insure the ruin of this manufacturing, commercial, and once happy country: particularly considering the increased, and rapidly increasing, strength of the navy of the French republic independently of the prospect there is of their having the navies of Holland and Spain under their immediate influence.

7. "Because the public funds, the paper currency, and the public and private credit of this country, will probably be unequal to stand against the tremendous shock to which ministers will now expose them.

8. "Because I think that frankness, fairness, humanity, and the principles of honesty, and of justice, are always, in the end, the best policy; and I believe it to be true, in regard to nations (as well as with respect to individuals) that 'nothing 'that is not just can be wise or likely to be 'ultimately prosperous.'

9. "Because I lament the more, that the House should refuse to disclaim the interfering in the internal constitution of France, inasmuch as by the new constitution of the French republic, one and indivisible, adopted by the present National Convention, on the 23rd of June, 1793, and under the title of 'the rela-'tion of the French Republic with Fo-'reign Nations,' and by the articles 118 and 119 of that constitution, it is declared and enacted, that 'The French people is 'the friend and natural ally of every free 'nation. It does not interfere with the 'government of other nations; it does 'not suffer that other nations should in-'terfere with its own.' So frank, so fair and so explicit a declaration on their part, did, in my opinion, entitle them to a better species of return.

10 "Because I conceive that a true republican form of government being firmly established in France, is much more safe for the liberties of the people of Great Britain, than the tyrannical, capricious, perfidious, secret, intriguing, and restless ancient monarchy of France; or than any other monarchy they could there establish: but even if I were of a direct opposite way of thinking, I would not be guilty of the gross injustice of attempting to force a monarchy upon them contrary to their inclination.

11. "Because I think that no war ought to be continued, that can, by a proper line of moderation, be avoided; and

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the more especially with respect to the French people who, by their republican exertions, republican enthusiasm, and republican courage, have made victory the almost constant 'order of the day.'

12. "Because the continuing of such a bloody contest without necessity, appears to be a profane tempting of Divine Providence, in whose benign and almighty hands the fate of battles and of empires is placed.

13. "Because I wish to wash my hands entirely of the innocent blood that may be shed in this war with France; of all the carnage which may take place; and of all the destruction, confusion and devastation (perhaps in Great Britain itself), which may ensue.

14. "Because it was my object to preclude the government of Great Britain from attempting to stir up or excite insurrections in La Vendée, or any other department of the French republic; and the resolution I moved was well calculated for that purpose.—And,

15. "Because the maxim of 'do not 'to others that which you would not 'wish done to yourself,' is an unerring rule, founded upon the clear principle of justice, that is to say, of equality of rights. It is upon this strong and solid ground that I make my stand: and all public men, in order to merit the confidence of the British people, must show their determination to act with frankness, and with unequivocal good faith and justice towards the French republic.

"Having upon this most important and momentous subject, frequently stood alone; and having also been, upon this last occasion, totally unsupported in the division, if I should therefore cease, at present to attend this House (where I have been placed by the mere accident of birth) such of my fellow-citizens as are friends to freedom, and who may chance to read this my solemn Protest, will find that I have not altered my sentiments or opinions; and that I have not changed any of my principles; for my principles never can be changed.

"And those fellow-citizens will also find that I hereby pledge myself to my country, that I shall continue, what I ever have been, a zealous and unshaken friend to peace, to justice, and to liberty, political, civil, and religious; and that I am determined to die (as I have lived) a firm and steady supporter of the unalienable rights, and of the happiness of all mankind. STANHOPE."

Debate in the Commons on the Bill for continuing the Habeas Corpus Suspension Act.] Jan. 15. The *Attorney-General* rose to move for leave to bring in a bill to continue the Habeas Corpus Suspension act. He said, that as objections might still be offered to the measure by those who had opposed it formerly, he thought that some future day should be appointed for the discussion of it. He hoped the House would give him leave to bring in the bill, and he would state the ground on which he brought it forward, on another occasion. He then moved, that leave be given to bring in a bill to continue, for a time to be limited, the act made in the last session, intituled, "An act to impower his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government."

Mr. *Sheridan* said, that as the call of the House was so near, he doubted whether it would not be as good a course as any, to suffer this motion to pass, and to reserve opposition to the day of the discussion.

Lord *W. Russell* said, that on the renewal of a measure, which deprived the people of such essential rights, some reason should be assigned to show that it arose from inevitable necessity.

Mr. *Lambton* could never consent to deprive Englishmen of rights so dear to them, on grounds so equivocal as those on which the Habeas Corpus act had been suspended last year.

The *Solicitor-General* said, that as the House had already determined that the original ground was sufficient for suspending the Habeas Corpus act, he conceived that to assign any new ground was perfectly unnecessary.

Mr. *Francis* said, that if the ground on which the Habeas Corpus act had been suspended last year was sufficient, very strong ground had appeared since, not for continuing the suspension, but for removing it. This new ground arose out of the late trials; out of the cases of those who had been treated as criminals, and had suffered long, arbitrary, and harsh confinement. These persons had been tried and acquitted; and by their acquittal a negative had been put on all ideas of plots, on which the act of parliament had been suspended. And now that an attempt was made to continue the same restraint, where, he would ask, was the new conspiracy? or who were the new

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conspirators? He would maintain that there was not the shadow of a justification for offering this insult to the honour of the country.

Mr. *Anstruther* denied that there had been any arbitrary or harsh confinement of the persons who had been tried for high treason. These persons had no right to complain, for the grand jury had decided by finding the bill, that there was probable cause for supposing them guilty. They had suffered no punishment at all, nor any confinement to which they were not liable in the due course of law.

Mr. *Grey* thought that strong grounds of necessity should be laid, before Englishmen should lose the dearest rights they ever enjoyed. This was a case of too important a nature to be passed by in any stage of it, and therefore he would take the sense of the House upon it.

The House divided:

Tellers.

YEAS	Mr. Attorney-General Mr. Solicitor-General	71
NOES	Mr. Sheridan - - - Mr. Whitbread - -	13

Jan. 16. The Attorney General brought in the said Bill, which was read a first time.

Jan. 23. The order of the day being read, for the second reading of the Bill,

Mr. *Lambton* said, that ever since this matter was first thought of, his sentiments had been uniform, and the opinion which he had at last formed, was not one that was rashly or hastily adopted, but was such as gradually grew up in his mind on the mature deliberation of events as they had happened. In May 1792, when his majesty's first proclamation was issued against certain seditious and inflammatory writings and publications, he doubted the professed objects of those who advised his majesty to issue that proclamation.* It was hardly rational to suppose the real view was nothing but to warn the public against the possible effect of such publications, because, had that been really the object of his majesty's advisers, the proclamation must have been nearly coeval with the publications complained of, when, in truth, these writings were notoriously published near two years before the proclamation was issued; and in the interim, nothing was heard of from government upon that subject, although the writings which had been since complained of, had been all this while in extensive circulation, nor was there one step taken towards the prosecution of the authors of these criminal proceedings. He therefore suspected that there were some views in issuing that proclamation which were not expressed in the words of it: his suspicions became considerably increased in the November following, when he heard their account of the insurrections which were made the pretexts for calling out the militia, and the sudden meeting of parliament. But those suspicions were fully confirmed in a short time afterwards. For, when an hon. friend of his, wishing to relieve the public from the alarms which these ministerial arts had created, moved in the House for a committee to inquire into these alleged plots and conspiracies, the minister opposed the motion, and it was consequently negatived. Why were these plots not inquired into? Because inquiry at that time suited not the views of the minister and his adherents. They had projects which could not be answered by that plain, honest, and direct method, and therefore of inquiry into these plots and conspiracies we heard no more for a considerable time. About sixteen months afterwards, however, the minister himself thought fit to come forward and call for inquiry into plots and conspiracies, and extraordinary indeed was the conduct of parliament upon that occasion: we had read of the Long parliament, and of the Rump parliament; possibly posterity might view a confiding parliament in no better light than either; for a confiding parliament it was which gave the minister credit for his assertions, and agreed to suspend the Habeas Corpus act on the strength of it. He voted, he said, against all these propositions of the minister: nothing had happened to change, but many circumstances had taken place to confirm that opinion, and therefore it was impossible for him to agree to the motion now before the House, unless new plots and conspiracies were proved to have been formed; a thing which was not even pretended in this case.

It had been said, that this bill was not a total, but a partial suspension of this act. This appeared to him the veriest quibble ever urged before a grave assembly; perhaps it was not a total suspension,

* See Vol. 29, p. 1507.

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but it was a suspension to this amount, that the minister may imprison whom he pleases, where and when he pleases, without affording to such person any information as to the offence with which he was charged, or who his accuser was. Was this no suspension of the operations of the Habeas Corpus act upon our personal liberties? Was the suspension ever more general? Was it so in 1745? In answer to all this, he should be told, perhaps, of the lenity which had accompanied the exercise of the power given to ministers by this bill; upon which he would observe, that no man, in a free country, should be thus left at the mercy of ministers, unless there was some great and pressing necessity.—On the first day of the session, he had felt considerable indignation at the doctrines which he had heard on the subject of trial by jury, and the presumption of law as to guilt and innocence. He thought it was an established principle of law, that every man was to be deemed innocent until he was proved to be guilty. If this was the case, what was to be said of the case of men whom the law had acquitted? And yet the House had heard an hon. member make use of the phrase "an acquitted felon." What must his feelings be when he heard such a sentence in an English House of Commons? He must think it an insult to the trial by jury, and a shameful injury to the individuals, to have it announced, in the public assembly of the nation, that men, who had been acquitted by a fair verdict, ought to be considered as culprits and felons. He did not deny the right of members, in certain cases, and under certain circumstances, to arraign the verdict of a jury: but what were the cases, what the circumstances? Either where he could prove that the jury had been packed, or improperly impannelled; or where the judge had given wrong directions; or where an evident partiality had appeared in any part of the trial; or where the jury had been bribed on the one hand, or menaced by the judge on the other, and had, in consequence, given a wrong verdict. In any of these cases a member had a right to complain of a verdict. But was that the case here? By no means: there never were trials to which so much attention and deliberation had been given, as to those on which this plot and conspiracy was founded. Upon what principle, therefore, the persons who had been acquitted were to be thus stigmatised, he was at a loss to know.—Another right hon. gentleman had made a distinction between what he called the technical forms of law, by which a party was tried and acquitted, and the moral guilt of such party: this was again an unfounded distinction, for the accusation of treason in this House was charged to arise out of the moral guilt or accumulated acts of sedition, demonstrating an intention as dangerous to the state, as direct acts of high treason; therefore the jury having acquitted the persons charged, had, upon his own principle, destroyed the distinction which he made between the formal acquittal by law of a person charged with high treason, and the moral guilt of such a person who had been guilty of a crime equally dangerous to the state as high treason. He therefore maintained, that the persons who had been tried for high treason had been acquitted, according to the deductions of common sense, of both the treason and the sedition; because, the object of the prosecution was, to substantiate treason out of many acts of sedition; the facts failed on the part of the prosecution, and their own evidence disproved the case on the part of the crown.—Another hon. gentleman had asked, if the existence of the plot could be doubted, after the grand jury had found the bill? To which he would answer, most undoubtedly it could; and for this reason—the evidence given before the grand jury was ex-parte evidence, most probably the evidence of spies and informers, who afterwards committed perjury at the trial. But he might be told, that most of the evidence before the grand jury arose out of documents which were of unquestionable authenticity. He wished to draw a veil over all that part of the subject, for all these documents came before the jury under a deep impression that they must be sufficient for them to find the bill, because the two Houses of parliament had, by their votes, expressed as much already. Should he be asked, whether he would advise that mode of proceeding against a person accused of a crime which affected his life? he would answer, certainly not.

He would now ask, on what pretence did ministers ask for the renewal of this bill? Were there any new facts on which it was supported? Was there any ground of any kind for it? He maintained that there was not. He wished to have some information on these plots and conspiracies—and this reminded him of a line,

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which was considered as containing every possible circumstance of a fact—"Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando." He wished to know who the conspirators were, what the conspiracy was, where it was, by whose aid and assistance it was to be carried into execution, why it was undertaken, by what means to be effected, and, lastly, at what time it was attempted? First, were the conspirators new persons lately discovered? If so, we must have a new committee of inquiry, and a new report, upon which would depend our judgment as to the necessity of this measure. But this was fairly disclaimed. Then, were they those men who have been acquitted? Let gentlemen declare upon their consciences whether that acquittal did not absolve them as much from a seditious as from a treasonable conspiracy, and negative the existence of the sedition, as much as it could be supposed to do the new law of treason, as laid down by the counsel for the crown. Then of what did the conspiracy consist? Was the simple act of calling a convention an illegal conspiracy? Certainly not in England, whatever it might be in Ireland. The people of England had a right to summon a convention or assembly, to consider of any grievances under which they may labour, provided it be done in a peaceable and constitutional manner.—Where is the formidable conspiracy? Was it in the metropolis, in different parts of which, as an hon. member had said last year, a great number of desperate villains met in night-cellars, where they exercised with knives and other implements made for the purpose of destruction; and where, in the dead of night, they planned their horrid schemes, to the punctual execution of which they took the most solemn oaths? All this had been urged last year to be true; although nothing of it appeared in the report. However, there was nothing in it; this was not to be found, therefore, in London. Was it to be found in Norwich, or in Derby, or in any other part of the country? Certainly not.—By whose aid was this conspiracy to be carried into execution? Had any evidence been adduced to prove an application from any men in England to the government of France for arms, men, or money, as was the case in 1745? Certainly not. Their whole connexion with France was to be found in a few rash, silly addresses sent to the Convention—when? Before England was engaged in the war. His next query was, why? For what purpose was this conspiracy set on foot? Ministers said for the purpose of superseding the functions of the legislature, and subverting the existing government of the country. Here he begged gentlemen to refer to the evidence, by which it is clearly proved that the result of their purpose was a parliamentary reform, on the broad basis of universal suffrage, as recommended by the duke of Richmond. The next query was, by what means this conspiracy was to be effected? Was it through the medium of those famous pikes, of which we heard so much last year? What have they proved? What, but the absurdity and folly of the prosecutors? Upon the first trial, indeed, they made their appearance, but so contemptible was the inference drawn from them, that downright shame prevented their second appearance upon the stage. Did, then, the vast and tremendous means of the conspirators consist in the army of taylors exercising in a garret at Lambeth—an army, into the middle of which he verily believed, either Townshend or Jealous might have marched without danger, and have conducted the whole of them, with perfect safety, to Bow-street.—Lastly, at what time had these mad conspirators undertaken this conspiracy? Was it at a time of general disaffection to the government, or to the crown? Was it at a time of internal weakness?—The reverse was too notorious to be denied. The executive government at no period of our history, was ever so strong; at no period of our history had we ever had a monarch more beloved. Could they hope for success from our internal weakness? The surface of England was covered with a militia the most complete in point of numbers, and equal, in point of discipline, even to our regulars. What chance, therefore, was there of any success to conspirators against the state? Let men of honour and conscience declare, then, whether it was a fit thing that the people of England should, without any reason, be deprived of their rights. He could not help thinking the system pursued by ministers most alarming. What was this system? The adoption of intriguing measures, calculated to separate the higher and lower classes of society,—a system which he was in hopes would have been left to the despotism of Russia and Germany; where the proud nobles, as if formed of different flesh and blood, were but too apt to consider

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their inferiors as mere beasts of burthen. This was the baneful exotic transplanted by ministers into this land of freedom; and fatal must be its fruits, unless nipped and blasted in the bud. Fear was their successful engine, and we all knew that fear begat jealousy, jealousy partial oppression; that partial oppression led to general tyranny and tyranny to a resistance big with consequences, equal, perhaps, to those which had produced those scenes of horror, which had laid low the monarchy of France, and had shaken to their very centers every government in Europe. This, he repeated, was the trick, the legerdemain of their Machiavelian policy, and they had succeeded. Was this the good old sterling policy of Englishmen? Certainly not. The minister had filled the men of wealth with fear for the possession of their darling property, for the purpose of making them look with distrust on the poor, and thereby to gain his object in taking away the liberty of all. This might pass for a time: for a time the opinion of the rich would appear to be the entire opinion of the country; and give a certain tone to its politics; but this was a fugitive and transitory cloud; and the whole people of England, seeing with their own eyes, would before long speak with their own tongues; and when they should speak, they would speak with a voice that would rouse the most lethargic, and intimidate the most corrupt and profligate of their enemies. He had no pleasure in saying these things; he could wish there was no foundation for them; but these were not times to mince matters; they were times in which every honest man should speak the real dictates of his heart.—Such were the grounds on which this bill was to be opposed by him. He did not mean to say, that there were not persons who wished to throw things into confusion. Desperate men would exist in every country and at all periods, let the government be ever so good or lenient. He would admit, that many writings had been issued, more calculated to inflame, than to enlighten; but could we find no excuse for such intemperance? Was it not natural, that men disgusted with those abuses and corruptions, which stalked in the face of day, and which all men are become ashamed of denying, should feel those irritations of the mind, which lead to language not quite so measured, as might be expected from apathy, ignorance, indifference, or hypocrisy? There were, without doubt, such men as he had described; but what he maintained was, that their numbers and their consequence was not so formidable as to justify the measure proposed. He was also against the bill, because it gave encouragement to the nefarious practices of those damnable fiends, commonly called spies;—for fiends of hell they were, both in their objects, and the nefarious practices through which they carried them into effect; not only in the calamities which they brought upon others, but in the curses also which frequently fell upon their own devoted heads. For how often was perjury the price of their information. And here he could not but reflect upon that arch villain, Dunn, who had attempted to take away the life of Mr. Walker,* and couple with that reflection the inequality of punishments, which, in several instances of late years, had marked our judicial proceedings. There was no blacker crime in the whole catalogue of human depravities than perjury; it was worse than felony, worse than many cases of murder itself. The human mind shrank back at the idea of a fellow-creature, deliberately planning his tale of destruction, to which he must make that God a party, whose omniscience baffled all deceit, and whose wrath never failed to overtake the deceiver.—He had nothing more to say, except to take notice of a society to which he had the honour to belong. He was happy the minister thought the views of that society moderate and patriotic. Observing some gestures, he proceeded to say, the minister seemed to nod dissent from the last proposition. He should be glad to see the minister attempt to prove one act of the society of the Friends of the People, or one sentence written by them, which was not moderate and patriotic. He hoped their recent actions had proved what he now said. What had that society lately done? They had suspended all active operations for a parliamentary reform. Had they abandoned their ob-

* Dunn was tried at the autumn assizes 1794, upon an indictment containing no less than ten several perjuries, which he had sworn, upon the trial of Mr. Walker and others. He was found guilty, and the sentence of Mr. Justice Rooke was, that he should stand once in the pillory, and be imprisoned two years in Lancaster Castle.—See Howell's State Trials, Vol. 23, p. 1166.

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ject? Certainly not. But there was one common danger at present in which we were all involved; it was paramount to all other considerations; it was therefore their duty to refrain, for the present, from agitating the mind of the public; and they had withdrawn their efforts for a parliamentary reform. How long were they to be thus retired and inactive? During the continuance of our present calamity; no longer. When (said he) it shall please God to remove our present calamity, we shall stand upon advantage-ground with the people of this country. We shall be enabled to say to them, the dangers and difficulties which you have been under, the calamities you have experienced, were brought on by a corrupt administration, acting through the medium of a corrupt parliament [A cry of Order! Order!]. The language which I have used I will repeat, if it has faded in the recollection of any member: I say that will be the advantage-ground on which we shall stand; and such is the address which I, for one, shall make to the people of this country, and I will defy the artifices of any set of men to counteract it, for I know there is a great deal of discernment in the people of this country.

The *Attorney-General* said, there was no man in that House who felt the immense importance of the subject more than he did; and perhaps there were circumstances which made his feelings upon it stronger than those of most gentlemen. The situation he had the honour to hold, had thrown a duty upon him, as severe as could be thrown upon any individual. The duty which had been thrown upon him was to conduct a great public prosecution, in such a manner as to render it effectual; but it was also his duty not to render it effectual by violating any one of the rules of law or of justice. He hoped, in this particular, his conduct was not liable to censure; of this he was sure that he had acted strictly according to the dictates of his conscience. He admitted, that very strong grounds should be made out before the House could assent to the motion. Indeed, so strongly did he feel that it was the right of the people to have the Habeas Corpus act in force, unless in cases of emergency, that if he had thought there existed no real cause why the bill should continue, he would have come forward early in the session, to have proposed the repeal; for, though the act was limited to the 1st of February, in his opinion not one day should be lost in restoring the Habeas Corpus act after the danger had ceased. He was aware that it was not a popular measure to propose the renewal of this bill: he felt, in common with other men, a certain degree of reluctance in taking the lead in an unpopular measure; but when he was called upon by reason, by conscience, by his duty to his country, to perform the task, he would do it boldly. He could not but lament extremely the temper of mind which the hon. gentleman who spoke last had displayed upon this question. He had known that gentleman from his infancy; he knew the virtues of his heart; he knew the powers of his mind; he knew the great extent of his property; and it was that knowledge of him which made him regret the temper in which he had spoken upon this subject. Whenever he saw a man of his weight and consequence in the country professing such sentiments, it called to his recollection a letter written by persons calling themselves the editors of the Patriot (a paper published at Sheffield) to the Constitutional Society. This letter, after suggesting a variety of ways of instilling discontent into the minds of the people, goes on thus: "Whenever you find men apprehensive that an attempt at reform may produce confusion and the destruction of property, ask them if they know such a man (naming one of great fortune and character in the neighbourhood, who is an advocate for reform), he will say yes: you may then ask him, whether he supposes that such a man would support a measure which had a tendency to destroy all property, and consequently to ruin him, &c." Thus, gentlemen who really were anxious for the good of the country were cited as examples to induce uninformed men to enter into all the wild and dangerous schemes of pretended reformers. This observation he meant particularly for the hon. gentleman who had just sat down—*de te fabula narratur.* The hon. gentleman had said much in favour of the society of the Friends of the People. It was not his intention to enter into an argument upon what might be the intentions of that society; but this he would say, that the example of men, supposed to be men of consequence in the state, had been productive of ill-effects to the community. He certainly did approve of the

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conduct of that society, in ceasing their exertions for the obtaining a reform in parliament; but he should have approved of their conduct still more, if they had shown more temper in the address communicating that intention to the public: for, it seemed calculated to excite others to those active measures which they themselves had declined. With respect to the measure before the House, he had been concerned in it in a variety of characters. The first situation in which he had been led to consider this business, was as a member of that committee to whom the papers were originally referred. He then had to view it in a more important light, as his majesty's attorney-general; and lastly he came to consider it in a legislative point of view. The hon. gentleman who spoke last had said much upon the nature and effect of the verdict of a jury. No man could look upon juries with more veneration than himself; it was in them that the constitution lived, moved and had its being; but invaluable as the trial by jury was, it could not alone maintain the constitution of this country; particularly when attacked by so many and so powerful engines as it was at present. He should not only speak of the verdicts of juries in general with respect, but of the particular verdicts which had so often been alluded to. But it was no derogation from the character of a jury to say that, in a question like the present, he should pay more deference to the opinion of parliament, than to the opinion of a jury; and he could not avoid saying, that nothing could be more injudicious, than to praise a jury at the expense of a parliament, but the opinion of the juries who decided in the late trials, and of parliament, might not differ in the smallest degree notwithstanding all that had been said to set the one in opposition to the other. The view in which it was considered by the juries, and the purpose for which they investigated it, were so extremely different from the grounds upon which it was examined by parliament, that the decision of the one had no effect upon the other. It appeared to him that it was by no means necessary that any of the individuals accused of treason, should have been convicted, in order to justify parliament, in passing this bill, because it was not proposed on account of the guilt of any individual in particular, but upon the existence of a conspiracy. The verdicts had acquitted the persons accused; but as to the existence of the conspiracy, the verdicts said nothing; and, indeed, that was a subject upon which parliament was fully competent to decide for itself. Upon examining the case with all the industry and skill he could bestow he felt himself compelled to carry the business before a grand jury; but upon this occasion, he had not trusted to his own judgment, he had consulted with some of the ablest men in the profession (not more able, he thanked God, than those employed for the prisoners), and they concurred with him in thinking it a proper case for the consideration of a grand jury. Having taken these precautions, the case was submitted to a grand jury, who sanctioned by their concurrence the opinion he had formed. He had often heard censures passed upon the power vested in the hands of the attorney-general, of filing informations *ex-officio*, but he never before heard such an attack upon the character and functions of a grand jury, which in general was considered as a safeguard of the liberty of the people, almost equal in point of effect with the petit jury. It had been said that the grand jury must have been prejudiced from the pre-determination of parliament. If this argument had any weight at all, it must go the length of proving that it was wrong for parliament to interpose though they saw the country threatened with imminent danger, for fear that it might influence the determination of a grand jury.—As to the grand jury having proceeded upon *ex-parte* evidence, it was true; but so did every grand jury and upon this occasion they spent four days in investigating the charge, and great part of the evidence upon which they founded their determination, was written documents. With respect to spies, very few of the persons coming under that description were examined before the grand jury, and as to those examined at the trials, he had told the jury that they were not to give credit to persons standing in that predicament, unless in points in which they were confirmed, or were not contradicted, by other witnesses. He had been present at many trials in which persons called spies had been examined, and he never remembered a single case in which the opposite party had gained so little by the attack made upon them. Besides those spies stood in a very different predicament in the recent trials, from what they did upon most occasions; they did not come to speak of

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transactions which passed in a corner; they did not come to prove conversations between two individuals, and where, of course, the person accused could have no means of defence; but they spoke to facts which happened every week in public societies; and if they had mis-stated facts, there were hundreds of persons who might have contradicted them. But, during all those trials, that was not the case in a single instance. He therefore had a right to rely upon the testimony given in such a public manner by uncontradicted witnesses.—As to the individuals who had been tried and acquitted, he meant to say nothing respecting them: he would only remark, that in point of law, and indeed in point of common sense, the only effect of a verdict of not guilty, generally speaking, was, that the person could not be tried again for the same offence. No man who knew any thing of the theory of the law, or of its practice, could for a moment contend that a verdict of not guilty was a full establishment of the moral innocence of the party accused. He would put a case upon this subject: suppose, upon a charge of treason, any gentleman of unblemished honour was to give evidence of an overt-act, to the satisfaction of every man who heard him, still, if there was no other evidence the prisoner must be acquitted! because the law says, there must be two witnesses to every overt-act. Here was a case of a verdict of not guilty, in which every person must be satisfied of the real guilt of the person acquitted. There were cases even in which the confession of guilt by the party accused could not be received against him in evidence. In such cases, though a jury might be bound by law to acquit the prisoner, could any man think that the verdict of not guilty was a proof of moral innocence. He would state to the House a most extraordinary fact, in corroboration of the argument he had just been maintaining. While he and his learned friend (Mr. Erskine) were contending at the trials about the meaning of a publication of one of the societies, that very society published another paper, avowing that their meaning in the former publication was exactly that which he had put upon it; but he could not, in point of law, produce the second paper to prove the meaning of the first, because the latter paper was written after the prisoner had been taken into custody. Here was a case in which no human being could doubt the meaning of the paper; but yet he was prevented by technical rules from proving it. Let us then, preserve the constitution in all its branches—let us preserve it in parliament—let us preserve it in grand juries—let us preserve it in juries—let us preserve it, not by sacrificing the one branch to the other, but by giving to each its due portion of respect. It would be extremely dangerous to give in to the habit of treating the functions of grand juries with levity or with disrespect, for that would teach them to think lightly of their office, and then they would execute it negligently. Fortunately, this was not a country in which a man could be tried for any species of offence, with a counter-revolutionary intention, and then, if acquitted, be taken up and tried again for the same fact. The law here was clear, the judges independent, the juries upright, and the decisions respected. Sufficient ground having been laid before parliament to justify them originally in suspending the Habeas Corpus act, the question was, had the verdicts of the juries disproved the existence of the conspiracy, and rendered the suspension of the Habeas Corpus act unnecessary? The hon. gentleman had said, that the alarm raised in 1792 was totally without foundation; but he would show the House that these societies were totally incompatible with the government of England, inasmuch as it was their object to introduce a system of government similar to that of France. Gentlemen had said, that the letters and addresses sent from this country to the French Convention were idle, foolish papers. Whether the epithets "foolish and idle" could with propriety be applied to them, he would leave it to the House to judge. It was worth notice, that the societies in England never addressed the French Convention till after the deposition of the king, but confined their communications to the Jacobin and other societies. But when the convention had deposed the king, then they became a fit body for the English societies to correspond with: accordingly after that period numerous addresses were sent from the societies in England to that thing calling itself the Convention of France. The attorney-general read a variety of extracts from the correspondence between the two countries, proving the object on both sides of the water to have been the same. Having commented upon these letters, he proceeded to remark upon the persons who had delivered the address

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at the bar of the convention: upon the writings of Mr. Joel Barlow in particular, he animadverted with much severity. He then took a view of the principles contained in Mr. Paine's works, and remarked that Paine and Barlow, both of whom had written against monarchy with the utmost violence, were stated by many of the societies to have expressed their sentiments, in those publications. But it seemed to the hon. gentleman that to praise the French for having deposed their king, to adopt all their principles, to avow the sentiments of Paine and Barlow, and to express a hope that the French would soon send over letters of congratulation to a National Convention in England, were idle, foolish acts, and not deserving of punishment; he begged however, to ask the House, whether men acting upon such principles as these were not dangerous? and whether, as these societies had not disavowed these principles, it was not necessary that government should be armed with extraordinary powers to resist them? There was one fact rather of a singular nature, to which he wished to call the attention of the House, which was, that the address from the London Constitutional Society to the National Convention of France, was voted in November, 1792; and, in the same month, the convention passed their famous decree, in which they offer to assist the subjects of every country against their governors.—The attorney-general went through a regular detail of the proceedings of the several societies from November 1792, down to the meeting at Chalk Farm in 1794 commenting upon each paper as he went along, and proving the seditious intentions of the societies. Upon the Scotch Convention he dwelt for some time, and contended that it was very absurd to suppose the intention of that convention was to apply to parliament for redress, when every part of their proceedings shewed clearly that they had no such intention. He then adverted to the subject of arms, and said it was impossible to suppose those arms, which were made all alike, had been manufactured in different parts of the kingdom, at the same time, by accident. It must have been a pre-concerted plan—a plan, fortunately for this country, prevented by the vigilance of parliament. He concluded with saying, he should have no objection to the insertion of a clause in the bill to enable parliament, if the cause ceased, to repeal the bill even during this session—so anxious was he that it should not exist a moment longer than the urgency of the case required. But feeling as he did, that there existed in this country at the present moment a very considerable degree of danger, the duty he owed to the constitution induced him to propose this bill, though no man felt more regret than he did that there should exist a necessity for such a measure.

Mr. *Jekyll* was astonished that the learned gentleman, in proposing a farther suspension of the dearest and most sacred privilege of Englishmen, should not have brought forward one new fact for their consideration. His speech consisted entirely of the old report of the secret committee newly hashed up, and of the evidence brought forward in the late trials, and contradicted by repeated decisions of juries. In short, the House upon grounds which would not in any other case be admissible, were a second time desired to suspend this most important part of the British constitution. The bill was now held out as a measure of prevention; a new phrase was employed to suit the new occasion; it was said to be for the purpose of preventing a disposition to "moral guilt"—a thing which had not been before heard of as an object of legislative precaution. The learned gentleman seemed to hold out that societies ought not to meet for the purpose of influencing parliament. He affirmed that they might provided that they pursued their object in a legal manner. Was any man wild enough to think that parliament, if left alone would ever set about reforming itself? The learned gentleman had affirmed, that not nine-tenths of those who composed the societies understood what really was the object pursued by their leaders. One-tenth, then, could only be charged with any degree of criminality. And he would not pass so severe a satire upon the profession of which he was a member, as to say, that the justice of the country, administered according to the usual course of law, was not sufficient to punish so diminutive a number. If it was the object to repress sedition, the crown surely had not been sparing of prosecution for sedition. Was, then, the Habeas Corpus, the grand bulwark of the liberties of Englishmen, to be suspended for the crime of a few individuals? It had been said, that the persons who had been acquitted, had suffered no punishment. Was it no penalty to them to go forth to the public,

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branded with the charge of treason, and stigmatized by the name of acquitted felons? Were they, in consequence of the farther Suspension of the Habeas Corpus to be recommitted upon the old miserable chaos of evidence, and to be tried again? After all the libels upon the character of Englishmen, after all the charges which had been held out of treasonable disposition, what had taken place after all the late acquittals? Nothing but that decent and animated triumph, which terminated in conducting to their houses the two advocates (Messrs. Erskine and Gibbs) who by their exertions on the trials, had done themselves immortal honour. Every one had a right to rejoice in the event of those acquittals, because in consequence of them every one felt himself more secure in the possession of the privileges which he enjoyed as a British subject. He concluded with entering his protest against the suspension of an act, on which depended the dearest privileges of Englishmen.

Mr. *Francis* rose and said: — Mr. Speaker; there were some material passages in the speech of the learned gentleman opposite to me, which I think myself called upon to take the earliest opportunity to answer, while they are yet fresh in my memory and in the recollection of the House. They were not addressed to me particularly; but, as they conveyed a charge against the principles and proceedings of a society, to which I belong, and from whose cause I am not at all disposed to separate my own, I consider myself as a person put upon his defence, and therefore intitled for a short time to the attention of the House. No man is less likely to abuse it than I am. Sir, I am not going to find fault with the learned gentleman's personal deportment in this House or to the language he makes use of. They are always civil and conciliating, and therefore he may be sure that nothing is farther from my thoughts than to offer him any offence. It is to his assertions and to his doctrines that I mean to oppose contradiction and resistance. I find, Sir, that the society of gentlemen associated for the purpose of obtaining a parliamentary reform, of all of whom individually he speaks with great civility, are no favourites of his in their collective capacity. It is very difficult for us to give him satisfaction. If we continue our proceedings, it leads to dangerous consequences, though possibly our intentions may be innocent. We are exciting discontent and faction among the people, and encouraging others to go lengths to which we, perhaps, may not be determined to follow them. We shall be answerable then as, in fact, the abettors and promoters of mischief, in which at first we do not partake, and which afterwards we might be determined to resist. If we resolve to suspend our proceedings, that is ten times worse; that is a resolution which fills the learned gentleman with horror and dismay! The moment we leave off acting at all, we excite and exhort the people to have recourse to the most dangerous and criminal excesses! It is difficult to conceive, by what medium in our conduct we could thoroughly have satisfied the learned gentleman. All I shall say is, that his judgment of our conduct is not quite impartial, and that I am happy in being able to appeal to a judgment and authority, even in his own profession much higher than his, though I am far from meaning to undervalue his censure: I mean that of the eminent magistrate, who presided at the late trials. The chief justice took more occasions than one to speak of our society in terms of distinction and approbation, and to intimate his opinion that our proceedings furnished an example, which might be followed with innocence and safety, if not with advantage. I am fearful of overstating any thing said by the learned judge; but I believe it is in the memory of every one who had the happiness of hearing him, that he stated it as an aggravation of the misconduct imputed to other societies, that, in ours, they had an example of prudence and moderation, by which they might have been instructed, and ought to have been guided. But Sir, whether we are favourites with the learned gentleman or not, we have a right to demand justice from him, and from all men. If he came to this House prepared to bring a charge of any kind against us or our proceedings, he was bound in common equity to give us notice of his intention. With all his books, and his papers, and his memorandums before him, it is not fair to expect that we should be able to answer him, upon the instant, on dates, on circumstances, and expressions, belonging to transactions which took place a year or two ago. Yet, with all these advantages on his side, and taken by surprise as I am, and having nothing to rely on but my own immediate recollection of the terms of a letter written by us in May 1792, and signed by lord John

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Russel, as chairman, I meet the learned gentleman in direct contradiction upon his statement of that letter. I affirm, that he has misquoted our letter; that he has essentially changed the terms of it, and attributed to us a declared specific motive for declining as we did, all future intercourse with the Society for Constitutional Information, which I am sure we did not express, and which I am confident we never thought of. He says distinctly, and more than once that we came to that resolution, because the other society by their acts and proceedings, "had violated the constitution." If they had, we ought to have gone much farther, than barely resolving to have no concern with them. I cannot recollect the exact terms of our letter, but I stand firmly and securely upon the negative. I say the learned gentleman has done that which no accuser ought to do; he imputes criminality to certain acts united to certain declarations of ours, and he changes materially the terms of those declarations. On that point I am at issue with him; he has the books before him; let him confute me if he can.* He confesses, however, that we did right in declining all intercourse with that dangerous society; but then he says, we ought to have acted in the same manner to the Sheffield society, who, it seems, have written a letter to the other, full of exceptionable language and matter. Agreed. I think so too; but then that letter ought to have been before us. It could be no motive of action to us, unless it had come by some means or other under our view, or in such a way as to oblige us to take notice of it. Now, I do assure the House upon my honour, that, to the best of my knowledge and belief, I never heard of that letter before. I hope I have said enough to vindicate our society from the imputations, to which some gentlemen have thought us liable, and to justify the favourable opinion entertained of us by persons of greater judgment, as well as more elevated authority. If not I desire it may be understood that I shall hold myself ready, and forthcoming at all times to answer any distinct charges that may be brought against us.

In this place, Sir, it may be necessary for me to observe, that neither this discussion, nor any other, that regards the principles and conduct of the different societies, associated for the purpose of obtaining a parliamentary reform, is foreign from the question now before the House. The institution and proceedings of those societies have in fact been the real or pretended cause of all the alarms which have been so industriously excited among us, for the safety of the constitution, and of all the measures which have been taken by government for the peace and security of the country, and among the rest, for the suspension of the Habeas Corpus act. It is no digression, therefore, to state either my own opinion and principles, or those of the association in which I have acted, on the subject of parliamentary reform. But my hon. friend near me, in stating his principles and objects, has stated mine. I concur with him in every word he has said, and adopt it as my own. Sir, I know the inconvenience of particular applications of general opinions, and I shall take care to avoid it. Without referring therefore, to this or that parliament, I say generally, but with the deepest conviction that can be impressed on the human mind, by long observation and daily experience, that, with a House of Commons at the disposal and command of the crown, the liberty and property of this country are not safe. Under such a combination and stewardship the liberty will go first, and the property will soon follow it. With respect to universal representation, and all the dangers and all the reproaches attached to it, I must say that I think the learned gentleman ought to be careful to distinguish those, who profess to have such a scheme in contemplation, from others who reject it with a disapprobation as full and entire, though not, perhaps, with such extravagant horror, as he does. He ought to have known that the idea of universal representation was never encouraged or countenanced by any act or declaration whatever of our Association. If he knows any thing to the contrary, I call upon him now, I challenge him, to point it out. Of me, in particular, he must have known, and, in

* The passage in the letter from the society dated the 12th of May, 1792, and signed by lord John Russell, to which the attorney-general alluded, stands in the following words: "We must beg leave at the same time to decline all future intercourse with a society, whose views and objects, as far as we can collect them from the various resolutions and proceedings which have been published, we cannot help regarding as irreconcilable with those real interests on which you profess to inform and enlighten the people."

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candour, he ought to have acknowledged, that it is not possible for any man to go farther than I have done, to reject, to resist, and to explode every project of that nature, and every principle and argument set up to support it; a project, however, so chimerical, and so utterly impracticable, that it is superfluous to load it with charges of danger and malignity. But, let the character of such projects be what it may, there is one reflection on the conduct of government towards the unfortunate persons who have professed them, which ought to strike every man of honour or humanity with disgust and abhorrence. While they are persecuting to destruction a number of persons, whose unenlightened sincerity deserves instruction rather than punishment, for maintaining these mischievous doctrines, observe with what guarded caution, with what profound silence, they pass by the original author, the prime mover of all these doctrines; who, if these people are deluded, is the sole cause of their delusion; who, if they have erred, is answerable for their errors; who, if they are criminal, should be punished for their crimes. Sir, I speak from positive knowledge on these points. I have conversed with several of these advocates for universal representation, and I never met with one of them, who did not quote the duke of Richmond for his authority; who did not take his arguments from letters written and published by the noble duke, as they said, for popular instruction. If the sense of shame were left among men, is it a thing that could be endured for a moment, that, while the men, whom his writings have deluded, are prosecuted and punished, the noble duke himself should not only go free and unnoticed, but continue a member of that very cabinet, by which these prosecutions are promoted and enforced, with all the influence of government? I will not believe it possible that his grace can take an active share in these measures. I dismiss that thought the moment it occurs to me; such conduct would exceed the bounds of human depravity. I acquit the noble duke of it; but still he belongs to the administration; and whether he opposes their measures in this instance or not, is unknown to the public. But let the doctrine I allude to be ever so mischievous, and ever so dangerous, is it in fact, is it in truth, the real object of all the apprehensions and terrors which are said to be excited by it? I do not believe it; I do not believe that the enemies of reform are so much terrified by it as they pretend to be. They know as well as I do that it is nothing but a vision, which can never be substantiated; a mere abstraction, which can never be realized. No, Sir; whatever they may pretend, this is not the true ground of their uneasiness. It is the reasonable, the moderate, the practicable plan, which really fills them with terror and anxiety. That, perhaps, might be accomplished; the other never can; nor, if it were even to obtain for a moment, could it possibly subsist; and I am convinced that, if it were possible to drive those persons to an option, they would prefer the second to the first, because they would foresee that the mischiefs inevitable in the execution of such a scheme, or even in the attempt, would determine every reasonable man in the country to revert and submit to the present system; that is, to suffer the constitution to languish and dissolve in its corruption, or gradually to perish by decay, rather than to encounter the direct and positive dangers of a change so violent and extreme, to which their minds would naturally unite the certainty of instant destruction.

It is now proposed to the House to renew the suspension of the Habeas Corpus act, with as much ease and indifference, as if the arbitrary power of imprisoning any man, for any time, without bringing him to trial, were fit to be given to the king's ministers whenever they desired it, and continued in their hands as long as they thought fit. They do not come to us, as they ought to do, with a new case of conspiracy and treason, supported by later discoveries, by fresh evidence, and by a report of the result of both to the House. No, Sir; they content themselves with affirming that it is so, and by calling upon us to prove the contrary, if we can; that is, they shift the burthen of the proof from the assertion to the negative, and conclude that the House is ready to believe that every thing they affirm is true, unless we can bring evidence to prove that it is false. These gentlemen contend, that the treasons and conspiracies of last year remain in *statu quo*, and in full force. Why, Sir, if that proposition were ever so true, they ought to prove it now, by the adduction of fresh evidence, regularly examined by another committee of inquiry, and by them reported to the House. Much more ought

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they to do so, if they pretended, which in truth they do not pretend, that they had discovered a new set of plots, and a new list of conspirators. I have never said, that a case may not exist, in which the rights of individuals, however important, ought to give way to the security of the public. No reasonable man, no friend of his country, will deny it. What I contend for is, that when arbitrary powers are demanded, for the sake of the common safety, the case that justifies the demand should be made out, in every instance, by its own specific evidence. Nothing of this kind has been done or attempted; the ground they take now, is the same as they took last year; the evidence they resort to, is the same they have had before them above two years, and which hitherto they have made no use of, but by prosecutions and trials, in which they have utterly failed. Every one of the conspirators, of whose guilt they pretended to be so confident last year, has either been acquitted by his country, or discharged by themselves. If they have any other criminals to produce, on the ground of the inquiries and reports made to us last year, for what reason have they neglected to use the power they had, and to secure and bring them to trial in this long interval? The evidence is the same that it was two years ago; the same documents and letters were read to us last year, and may be so again this time twelvemonth. They do not pretend to say that they have any other; they must, therefore, confess that that evidence is insufficient, or that they themselves are criminal in not having hitherto acted upon it. In demanding a renewal of power, they condemn themselves; for, if they had done their duty while they had it, a renewal now would be unnecessary. Or are we to understand that they have left these urgent duties unperformed, on purpose to keep a pretence in reserve for continuing in their hands a power to drag any man they please from his house, from his family, from his affairs; to have his papers ransacked, to have all his private concerns exposed, and to be continued in close confinement, without trial, as long as they think proper? All this, they tell us, however, is no punishment; it is pure mercy, intended for the security of the individual, and to prevent him from carrying his dangerous dispositions into criminal effect. This language, Sir, would be very suspicious at all times, but particularly when it comes from men, who will not allow that trial and acquittal are any satisfactory proof of innocence, and who affirm that, notwithstanding the prosecutions and verdicts which have taken place in the last year, the ground they then took is not in the smallest degree altered; that the plots and conspiracies stand exactly where they did; that these propositions are self-evident, and require nothing but to be stated and affirmed upon their authority. The distinctions they have recourse to on this subject, are indeed of a piece with the rest of their conduct. If you trust to the opinions of these gentlemen, you must conclude, as they do, that the finding of a bill by a grand jury, who have nothing before them but some selected evidence of the accuser, amounts to a strong presumption of guilt; but that the verdict of a petty jury, who hear both parties, and in whose presence the whole of the evidence on both sides is minutely canvassed, does not amount to any, no, not the smallest, presumption of innocence. I shall now conclude, Sir, with submitting two plain questions to these learned gentlemen, to to which I hope and expect they will give me a plain intelligible answer, such a one as a commoner of England, contending for his rights, though perhaps not qualified to defend them in the way in which they are attacked, by legal cunning or skilful arguments, has a right to demand from him who invades them. We have been repeatedly assured, that any hardship which the persons confined last year might have suffered, from the length of their imprisonment, was not to be imputed to the suspension of the Habeas Corpus act; because, without the suspension of that act, they would, or they might have been, confined just as long under the law as it stood. If so, I desire them to tell me what they want, or what they will gain by the suspension; or, in fact, what have they gained by suspending it at all? On their own showing they might have confined the same persons, or any others, whom they suspected, just as long as they did, and full as long as any man ought to be imprisoned, on bare suspicion, and without trial. My second question is, for what reason, even admitting all their ground, and supposing all their suspicions to be well founded, they think it necessary to take this dangerous power at the present moment; I mean,

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while parliament is sitting? Without it, they can secure any person they suspect; and if, at any given moment, they should really want a farther power, what have they to do but, as they did last year, to come to this House, and pass another act of suspension in the course of a single day? In the present circumstances of the nation, I take it for granted that they have no thoughts of proroguing parliament; but, as long as the legislature is assembled, it is their proper office and duty, which they cannot delegate safely or honestly to the ministers of the crown, to watch over the personal rights of the subject, while they are providing for the general safety of the community. To these questions, Sir, I demand and expect a plain, distinct, and rational answer.

The *Attorney General*, in answer to the charge of misrepresentation, referred to the letter of the Friends of the People to the London Corresponding Society, and also to the letter of the Sheffield Society to the London Corresponding Society; by the former of which it would appear, that the views of the other societies were such as the Friends of the People could not assent to, consistently with the principles of the constitution: and by the latter, that they had unknowingly forwarded the views which they condemned.

The *Solicitor General* said, he looked on trial by jury to be one of the most essential parts of our constitution, and as the only control over the government which could safely be left to the people themselves. The only time when this excellent institution had been suspended was during the existence of a republic in England. At the same time he must remark, that the verdict of a jury was conducive only to one point, namely, that the person acquitted should not be tried for the same charge again. As an instance that a conspiracy might exist, of which it might be impossible to produce any evidence, he referred to the case of captain Porteous. When it was stated that the suspension of the Habeas Corpus was dangerous, the question naturally arose, what was the degree of the danger? There certainly was a difference between a temporary and perpetual suspension; and there could not be much danger to the liberties of the subject, when the expediency of the measure was liable to be debated every session. He defied any one to show, that, in all the former instances, it had been attended with those dangerous consequences, which gentlemen affected to anticipate. He proceeded to state what he considered as the ground of continuing the suspension, namely, the existence of a conspiracy endangering the established government. From the most serious survey of all the facts which formed the evidence, he was convinced that a conspiracy had existed, and did still exist. The numbers concerned, their characters and dispositions, were sufficient evidence, that there was a combination of the most dangerous tendency. He then recapitulated the proceedings of all the societies, and justified the duke of Richmond, by affirming, that there was a manifest disparity between the duke's principles as to reform and those of the societies. He adverted to the calling of the convention of the people, which was calculated to involve the country in all the horrors of riot and confusion. Any assembly, saving that in which he now sat, styling themselves the representatives of the people, indicated the strongest symptoms of insurrection, and a wish to supersede the existing government of the country. After such proceedings, could any person doubt of a conspiracy? In the resolution of the 20th January, 1794, they declared they would be governed by their own laws; and if such a declaration did not excite alarm, he did not know what could. They published the speeches of Barrere, and adopted, as nearly as possible, the French doctrines; and had they not been checked in their career, there might now have been a new government without nobles, without commons, and without king. The persons forming those societies still continued their designs; nor did they attempt to disavow any of the principles they had at first embraced. For these reasons, he thought the bill necessary.

Mr. *Curwen* said:—I have listened, Sir, to every thing that has fallen from the learned attorney general, and great, indeed, has been my astonishment, and much my consolation and satisfaction, to find not one paper, not one transaction adduced in support of the measure, which is not to be found in the Report of the Secret Committee of last year. We are called upon, Sir, for a renewal of the measure, not from any reference to the present moment, but from a reference to that state in which it was supposed to have stood last year. Agreeing in every sentiment, as to the nature of those papers, and deprecating as much as he can do their

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pernicious tendency; agreeing that they called for the most serious attention of the executive government, I totally dissented from the necessity of this measure on a former occasion. And why, Sir? Because my mind was led to that conclusion, which the learned gentleman has this night, for the first time, declared to the House. He now admits that their numbers were not considerable; that there was not one-tenth part whose views were dangerous to the constitution: agreed in no one plan, they were not formidable even in the proportion of their numbers. I then thought, what I am now more than ever convinced of, that the power constitutionally lodged in the hand of government is amply sufficient for every purpose of security. At what moment, Sir, were these new-fangled doctrines most likely to pass current? Now, when their falsity has been fully proved, when the misery which has attended them in another country, has exceeded what the most alarmed imagination could have conceived! No, Sir, if there was a moment when danger was to be apprehended from them, it was when they were new. Their novelty excited surprise, and might have allured men into an acquiescence with doctrines which reason and reflection have long ago shown, were not calculated to produce any one of the advantages so speciously held out. On the contrary, wherever they have prevailed, unexampled calamity has been the consequence. Sir, I draw a source of security from those very papers; when I find them every where complaining of the little effect they have had with the people. Whence has this proceeded? Not surely from a want of energy; for was there ever a disposition to make more glorious efforts in the defence of the country? No, Sir; their rejection has proceeded from the good sense of the people, who are not to be deluded by specious speculations, and who will not make an experiment beginning with the sacrifice of a constitution which experience has proved to them to have produced so many blessings.—Can the chancellor of the exchequer deny, that unparalleled exertions have been made in arming the country? Was the military force ever so numerous? Is there more than one opinion in this House and the country at large in granting every thing that ministers shall deem requisite for the defence of the country? What, Sir, are the sentiments of my constituents, whose petition lies on your table? "Endeavour to obtain the blessings of peace, but withhold nothing that shall make it honourable and lasting." Such, Sir, I believe, is the language of every man in the country. Is it wise, is it prudent, to adopt a measure that is a libel upon the attachment and loyalty of the country; a measure creating distrust among ourselves, and confidence in our enemies? Was there a disposition in the people to be factious and dissatisfied, might not the conduct of the war afford a wide field? Great and unexampled as have been the disasters attending it, are they wholly to be attributed to fortuitous circumstances? No; much might be attributed to the want of abilities in the right hon. gentleman properly to direct the force of this country. Yes, Sir, while he has his majesty's confidence and that of this House, the nation is willing to grant every thing he can require. Sir, I saw with astonishment the first steps that were taken by the right hon. gentleman in the system of alarm. Then arose in my mind the most serious apprehensions that they would lead to the involving this country in the calamities of war. I beg to call to the recollection of the House, the beginning of May 1792, when a right hon. gentleman (Mr. Burke) so eloquently, and with but too much success, first sounded the trumpet of alarm, and called upon the chancellor of the exchequer to exert the full force of government against those doctrines. What was the reply of the right hon. gentleman? "As to the country being in a state of ferment, he did not think so, and believed his right hon. friend had gone too far when he said it. If there were any who entertained opinions inimical to the constitution, he really believed their numbers were small, and their proceedings too insignificant to be dangerous; for the great body of the people were firmly united in their love for the constitution, and had a proper sense of the many blessings they had enjoyed under it."* Yet after this, in the same month, his majesty's proclamation came forth, warning us against the dangers that threatened the country. How is such conduct to be accounted for? This miserable policy answered but too successfully the ends that were proposed by it. Dreadful has been the consequence: whether we view it in respect to the calamitous war into which it has plunged us, or in respect

* See Vol. 29, p. 1400.

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to the detestable system of spyism, which has destroyed public confidence and private security.—Sir, the learned gentleman has told us, though three successive juries have negatived the existence of a plot in this country, we are not, therefore, to infer that it did not exist in Scotland, where two convictions have taken place. In my conscience I do not believe that it ever did exist, but in that wretch who has so justly paid the forfeit of his crimes. Sir, this wretch finding the information he gave to government led to the belief rather of security than of danger, was determined to try if he could not work upon the temper of unsuspecting men, and lead them into a situation so criminal, that their sacrifice should procure him attention and reward from government. God be praised! the ruin he intended for others fell upon his own head. But is the indignation which every man must feel for so consummate a villain confined to this transaction alone? Does it not lead us to execrate a system calculated to produce such horrid consequences?—Sir, many of these papers owe their existence to the supineness of government, who, for two years, totally disregarded and despised them. Is it not in proof upon the late trials how much these spies have goaded on and inflamed the societies of which they were members, in order to screen themselves from suspicion? Much satisfaction have these late trials afforded to every independent man in the country; proving how incorrupt was the source of public justice. The dangers which I apprehended are not from these miserable papers. No; it is from the disbelief of public virtue: every day's experience lessens the opinion of the people: they know not to where or to whom they can look with confidence, or on whom they can firmly rely. Let us not, Sir, misapply our time in providing remedies for dangers which do not exist. Let us act so as to regain the confidence we have lost. Let us restore to the people the perfect enjoyment of their liberties. Let us, by every action, convince them of our unwillingness to infringe upon their rights, or to load them with any burthen beyond what unfortunately the pressure of the moment requires. Then, I dare pronounce, there will be found not less energy, spirit, and resolution to maintain the constitution, than there were exerted for its establishment. Then, we may bid defiance to foreign enemies and domestic incendiaries. The contest will then be, who can best and most ably defend his country.

Lord *W. Russell* said, that he could not look with disrespect to the verdict of a jury, and that on this head he must rather distrust the professions of the crown officers, who, though they had declared great respect for the decision, had yet, as much as possible, endeavoured to do away its effect. If he was asked to support the farther suspension of the Habeas Corpus act, the most obvious answer that occurred to him, was what treason had existed, or what traitors had been convicted? Before he could consent to the renewal of the measure, he wished to know what benefit had been derived to the country from the extraordinary power already granted to ministers. If any man thought the Habeas Corpus at all worth preserving, he ought certainly to exert himself to prevent its suspension in the present moment.

Mr. *Hardinge* confessed the incapacity of entering into conflict with all, or with any part, of that which had called itself argument upon the other side of the House; because, in his view of it, either it bore no conceivable relation to the subject, or was of a nature to be self-refuted. This he would undertake, in a few and plain words, to demonstrate. He would first recall the debate into the real and the only point of it. It was a question of legislative policy, whether, upon a balance of two opposite evils, and both of them constitutional in their nature, an existing peril to the safety of the realm did, or did not, authorize the farther suspension of the Habeas Corpus act? That such a peril did exist when the legislature passed the suspension bill, was a fact. It was then taken upon trust from the reports of committees, but since that period has been authenticated and proved. Here a fallacy and perversion had arisen, which astonished him, when he looked at the enlightened understanding that had lent itself to the support of it (Mr. Fox), and which common sense would refute. It had been said, "that what the committees and the House of Commons had believed as an existing conspiracy, had been disproved by the juries, because they had acquitted the accused conspirators." This was a puzzle absolutely childish. It assumed, in the first place, that, by acquitting some of the accused conspirators, the juries had negatived the existence of a conspiracy, and it had been

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said, with an air of triumphant wit, "Here's a conspiracy, without conspirators." But the *ardens verbum* is not always correct in reasoning. He would say, "Yes; there is a conspiracy, without conspirators; that is, that there is a conspiracy, but there are no conspirators whom the law has yet been able to reach, as guilty of high treason." The hon. gentleman who had opened the opposition of that night, had said, that all inquiries into guilt resolved themselves into a latin hexameter; "Quis? quibus auxiliis? quid? quando? quomodo? quare?" The juries had answered the word "Quis," by saying, "not Mr. Hardy, not Mr. Horne Tooke, not Mr. Thelwall." Their province was, to implicate or exculpate individuals. The House had a different and a more extensive duty: they were to determine the general fact, that a conspiracy did, or did not exist; and if they found its existence, to guard against the evil. The inference, that a conspiracy existed, they had legislatively collected, when they passed the suspension bill, from the facts before them. Those facts were proved, at a later period, as well to the jury as to the public. A learned friend of his (Mr. Erskine) had said "the fact had been proved, but the conclusion disproved." If the fact was proved, and if the jury had even said, "We acquit Mr. Hardy, because, from the facts proved, we infer no conspiracy," though Mr. Hardy would be well acquitted, he, as a member of parliament, would abide by his own conclusion, and should think himself degraded in his legislative character, if he surrendered his judgment, in forming that conclusion, to the juries who had formed an opposite one.—Having said this, he was anxious to have it understood, that he entertained for the acquitted persons all the delicacy that was due to them, and that he considered them as being innocent. Could he say more? He was anxious equally to have it understood in general, that no human creature could be more an enthusiast for the right of juries, or the palladium of our liberties, the Habeas Corpus act. He should be of all men the most ungrateful, and of the coldest heart, if he had not caught, in some degree, that enthusiasm from his noble relation (earl Camden), with whom he had been incorporated, if he might use that phrase, for the best part of his life in the most affectionate habits, and the dearest friendship: nor could he forget that it was to that noble person in the other House of Parliament that we owed the celebrated act upon the subject of libels, which restored and fixed upon a rock the right of juries over the whole of the case, in criminal proceedings; nor could he also forget, that it was the same great man (as he could venture to call him) who, with his friend, the earl of Chatham, though he was then attorney-general, was in a minority, as a champion of this very Habeas Corpus act, which it was proposed now to suspend, in some parts of it.—Having proved that such a peril did exist, he would next ask another question, which, in a manner, answered itself.—Had it been supposed by the House of Commons, that, upon account of these acquittals, the suspension bill should be repealed? A recent vote had said the reverse, in opposition to a direct, a very laboured, and a very ingenious effort, the other night, for that purpose. —He admitted, however, that having proved these points, he was to go farther, and satisfy the House, if he could, that what existed then, existed equally at the moment in which he addressed them; in other words, that such a degree of treasonable conspiracy does exist, as to warrant a farther suspension of this law. He would not only assert this to be the fact, because it had not been proved, that what existed then had ceased, but he would meet the question fairly, take the bull by the horns, and from the verdict itself, under all the circumstances, infer the necessity of this bill. That verdict, accompanied as it was by the fact of an existing conspiracy (which had been proved) amounts to this—to the legal impunity and the legal innocence of all those who had been yet put upon their trial, for their part in that conspiracy. The verdict, so accompanied, had left a body and mass of treason upon authenticated proofs, and which the rules of law had not enabled the interest of the public to correct, by a verdict of conviction against any one conspirator. This would, of itself, encourage those who had embarked in these wicked councils—would heighten the alarm, and would make the peril accumulate.—That was not all. Could it be forgot, that it was no common treason then before them? If it had been English treason, he might, perhaps, have been satisfied that no such interposition would be necessary to repress it;

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but it was French to the very bone, and French, at a moment, of all others, in which the fatal prevalence of that enemy in arms abroad, as well as in mischief here, was at the height. His learned friend, the attorney-general, having stated the intercourse of Jacobin societies here with Jacobin societies in France, he (Mr. Hardinge) had observed particular stress laid, by a kind of loud whisper, upon the date of those papers, which proved the intercourse; a date prior to the commencement of the war. The tone of that whisper seemed as if it came from a person (Mr. Fox) blessed with too sound a head, as he should have hoped, for so flimsy a difference. Has that intercourse, and have those principles, been ever disavowed, since the enemy had engaged us? since the war had made such an intercourse high treason? It was the more necessary to mark the continuance of that mischievous intercourse, because a veil had been thrown over it, which had misled thousands into the real design before they were themselves apprized of it. This veil had been removed, and, as he was confident, removed for ever, in argument at least, by his learned friend (serjeant Adair) on a former night, who had not shown the least mercy to it; but with an ability that was never to be forgotten, in that place, or by the public at large, had given a death's blow to its pretence. Could the House forget, that it was part of the high treason imputed, and proved upon evidence that could not lie—upon authentic papers, to erect the ensigns of rebellion, if the enemy should invade us?—for he would not so disgrace himself or the House as to argue that rebellion alone was the object of that meeting, which this event should be the signal to convene. Would it be forgot, that we are now at war against the enemy of ourselves, and of the human race, whose inordinate power we have not been able to repel; who are at our gates, and with whom it is the object of conspirators and of traitors (for so he would call them) to unite? Upon these grounds, he should vote in support of his learned friend's proposition.

Mr. *Erskine* did not intend to have risen but from what had fallen from the last speaker. With regard to the conduct of the juries on the late trials, he believed, that not only the House, but every man in the country who had read them were satisfied with their justice. He should have given precisely the same verdicts himself, and if he were inclined at all to differ from them, it would have been for the reason given by his right hon. friend (Mr. Fox), that they were not delivered immediately on the close of the evidence for the crown; he was firmly persuaded, that at that period the juries must have been satisfied that no case had been made out against the prisoner, but they acted with prudence in desiring to proceed with regularity and to let the trials proceed. But notwithstanding all this, the learned gentleman, from the very same materials which had been so unsuccessfully employed by the advocates for the crown, had thought fit to declare, that there was such an obvious mass of treason, and so clear a proof of conspiracy, that the suspension of the Habeas Corpus was even more necessary than in the former year when it was first suspended. But the learned gentleman, at the same time that he had discovered this mass of treason, did not pretend to say he could find out any of the traitors. This appeared to him to be a most preposterous assertion. If, indeed, the authors of the different papers, in which this mass of treason was detected had been undiscovered and unknown, there might be something in the argument; but when all these papers were signed—when the persons signing them were all perfectly well known, and when this wonderful mass of treason had for a year together been in a course of almost daily publication in the newspapers, why, if it was ever fit to suspend the Habeas Corpus at all was it not suspended a year sooner, and what pretence was there for now continuing the suspension when the original foundation of it had been negatived by the solemn trials which parliament had itself directed. If the treason still existed, so as to be the justification of a still farther suspension, why did not the attorney-general go on with farther trials now.—Mr. E. said, he could answer that question himself; and the answer was, that the attorney-general after the three verdicts of three different juries had, with the greatest propriety, thought it his duty to proceed no farther; but certainly, if he had had worse criminals behind than those the jury had acquitted, the same sense of propriety would have induced him still to persevere. Having gone through some other parts of the learned gentleman's speech, he expressed the greatest respect for the learned serjeant (Adair), who, on a former night, had spoken on this subject; but he owned he

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could not agree to the encomiums made upon his speech, because he had uttered doctrines in his opinion inconsistent with his character, as a sound constitutional lawyer: he had endeavoured to carry the House along with him by partial extracts from the evidence without giving the context or at least the substance of the whole taken together, which certainly ought to have been given before any just judgment could be formed upon the subject. That this course had not been pursued by the learned serjeant, could not be made more manifest than by reminding the House that in his very short and able speech he had summed up what he stated as the whole substance of the proof, although that proof had occupied the grand jury four days before they could find the bills. The petty jury seven days in trying the first indictment, and the attorney-general seven hours in a detailed statement of the evidence for the crown, which it was his unquestionable duty to lay before them in the manner he had ably pursued. How could these two accounts of the proceedings be reconciled: the learned serjeant's strong concentration might be useful in chymistry: but this otto of evidence was a most dangerous drug to be administered in parliament or in courts of justice.—As to the reform of parliament being a mere veil for the traitorous machinations which the learned serjeant had it seems torn asunder; all he could say was, that he had not been able to do so in the only constitutional forum, where the intentions of Englishmen could be judged. He had not been able to do so to the satisfaction of an English jury, who, upon the late trials, had all the facts before them. —Here Mr. Erskine went into the general nature of the evidence for the prosecution which he said was chiefly supported (at least where it at all touched the conduct of the accused) by spies and mercenary informers of the most profligate description, and even with their infamous aids (amongst them, indeed, there was ample proof of conspiracy), nothing like treasonable intention was brought home to any of the prisoners. The evidence, indeed, for the prosecution when brought up to the ancient standard of the law by which he had insisted it should be measured, would have justified him, and in his own case would probably have induced him to defend his life upon the utter incompetency to support an indictment for high treason, without calling a witness to contradict any part of it; he was glad, however, that the trial had taken a different course, and that the advocates for the crown had the fullest opportunity of saying every thing which their public duty had undoubtedly exacted. Some good, he said, had resulted from the discussion of the question, as gentlemen had to-night explained distinctly what on former occasions, they had only insinuated against the sacred and invaluable trial by jury, which served only to exalt, and to perpetuate its character. This new mode of preventing guilt, and of averting dangers was utterly inconsistent with all the principles of public liberty. Was it consistent with any of them that men should be confined unbailable upon charges of high treason, when the utmost of their offences giving credit to all the facts alleged against them could only amount to a misdemeanor upon which they could be bailed? He wished much to be informed for he had as yet heard nothing which came home to the mind of a statesman or a lawyer, whether any new facts were to be offered to the House for this continued suspension of the palladium of English freedom. If not, he wished the people of England to consider for themselves how long they were to be calumniated by their representatives and terrified out of the enjoyment of their rights. He asked whether ministers had the least intention to prosecute any of the 180 delegates to that British Convention which had been arraigned by them as a treasonable conspiracy to subvert the government, and if they had such intention, why did they not state it as the ground for a farther suspension? He inquired also, if there did exist such dangers why they had not proceeded to the first suspension two years sooner,—and it was curious enough to attend to the time when, without any preface or the notice of a day they had resort to this pretext? It was at the precise moment when government was informed that a friend of his a member of the Society of the Friends of the People (Mr. Grey) intended to bring before the House a petition of that association for a reform of parliament. This was the clue to all the treasons which were to swallow up and confound the laws and constitution of the empire. This was a fact well-known and severely commented upon by the public, and his majesty's ministers would do well to consider whether while by passing this act they were accusing the people of con-

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spiring against government the people might not retort upon them that they were conspiring against the liberties of the country. But it had been said, as formerly during the American war, that this was but a partial suspension of the Habeas Corpus; to which he should reply in the words of one whose loss must be deeply felt in the House, that it was far worse than a general suspension, because privileges were thus nibbled away in scraps and fragments, and the people did not stand upon their guard as when they were alarmed by a total eclipse of liberty. The greatest evils indeed were to be apprehended to the country from ministers who had no rule or principle of acting but to secure their continuance in office, and from a parliament so notoriously at their command. He protested against such a system of government because he had recently personally witnessed its consequences in another country. Measures of a similar description produced indeed for a season order and peace—but such a peace which like the calm before the storm only lasted till it burst forth at once in popular indignation. The people of the Netherlands only asked at first their own constitution in the Joyeuse Entrée which had been so insolently denied them, but when it was offered them at last when it could no longer be withheld, they rejected it with disdain and trampled on their oppressors. He warned ministers against rousing a similar spirit in England, which might not only overthrow an administration but dissolve a government. He advised ministers to put at a distance and for ever all such evils by giving to the people the full benefit of their constitution and instead of harassing them by unjust suspicions, to trust to their ancient zeal and firmness in its support.

Mr. Serjeant *Adair* said, that after the written evidence that had been adduced, it was, in his opinion, impossible that any individual could doubt of the existence of a treasonable conspiracy. The learned gentleman had complained that the evidence had been selected by scraps. What were the proofs of his position? He had rested on the declaration held out by the societies namely, that they intended to effect a reform in the representation by legal and constitutional means Because they chose to make this declaration, was that a reason why this House should shut their eyes to the true meaning of the designs concealed under this specious veil? Were their proceedings on the 20th of January legal and constitutional means? Was their determination no more to petition parliament, but to seek redress from their own laws, legal and constitutional means? Was their address to the Jacobins and the Convention legal and constitutional means? But his learned friend recoiled from his own argument: for he had suppressed that verbal testimony which might have been obtained; what that verbal testimony was, he should submit to the House. The learned gentleman had himself cross-examined all the witnesses. In two of the trials his learned friend did not care to call those witnesses who best knew the transaction; and yet his learned friend had pushed his cross-examination farther than had ever been known upon former occasions. His learned friend had grounded his arguments against the written evidence upon the oral testimony, which it was contended was the true criterion of judging the intentions of the parties. Was not the question put by his learned friend to all the witnesses he had thought proper to call —"Was it your intention to overturn the constitution of the kingdom?" What answer could be given to such a question? Why did not his learned friend say at once—are you a traitor? It was impossible, as the question was put, that any other answer could be given, than such as his learned friend had expected; but why was not Hardy examined? His learned friend had threatened this, but his prudence had superseded the impulse of the moment, and although Hardy could have given much information, yet his learned friend knowing the simplicity of Hardy's nature did not choose to call him, because Hardy knew too much.—The learned serjeant replied to Mr. Erskine's arguments respecting the weight due to the verdict of a jury but contended that that verdict could have no control over the House in the exercise of their legislative functions. He said that his learned friend, at the trial of Hardy, in a speech of six hours, had chosen to occupy five hours and an half in extracts from Sidney and Locke, and only took up half an hour in replying to that which had occupied four days in stating, and had employed his learned friend, on the part of the crown, nine hours in opening. The learned serjeant next commented upon the evidence given by Broomhead, which evidence had torn aside the veil; and from the trans-

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actions between him and Yorke, in assembling several thousand people for the purpose of influencing their minds, and assuming the legislative functions of the country, he contended, that the real intentions of these persons were sufficiently evident. But it was the duty of that House, to prevent those who were conspiring, from bringing their evil intentions to such mischievous maturity as might render our efforts to crush it ineffectual. Many cases might occur, to prevent which required timely legislative interposition, that, nevertheless, were not high treason; conspiring to levy war, for instance, was not high treason by the statute of Edward 3rd. Were we to wait, then, till war was actually levied, before we adopted preventive measures? The time to interpose was when we had just grounds to suspect. With respect to the insignificance of the numbers, those numbers had only been insignificant from the timely interposition of government. A right hon. gentleman had said, that he should not have hesitated in pronouncing the persons tried not guilty; because the prosecutors had made out no case. Was that the fact? Did the jury think that to be the fact? They did not; for they had hesitated, in one of the trials, two hours before they delivered their verdict. The jury therefore had no doubt of the existence of the conspiracy; and he hoped those who had received the benefit of their acquittal, would imitate the conduct of the Friends of the People, and not persist in groping like moles in the dark, lest they should meet with other juries not quite so lenient as those by whom they had been acquitted. The learned serjeant concluded with observing, that he most heartily concurred in the continuation of that power in the hands of government which had not hitherto been abused.

Mr. *Fox* said, he had come down to the House full of curiosity, to hear what case could be made out to justify the renewal of the bill; for although he had heard much declamation on the subject, in the preceding debates, he had found so little argument, that he conceived it must have been all reserved for the present occasion. In one respect his curiosity had been gratified. Some of the arguments were not only new, but the most extravagant, perhaps, ever uttered in a House of parliament. The attorney-general had said, that the object of the bill was, not to give a power of taking into custody and prosecuting persons who might be guilty of treason, but to give a power of arresting and confining persons in cases of inchoate guilt, and preventing them from completing the crimes they would otherwise commit. This was a principle as inconsistent with English law, as it bore a near resemblance to what had been the former, and was too much the present practice of a neighbouring country, which for several years had been paying the penalties, and expiating the crimes, of an absolute monarchy. This argument was not even supported by the bill of last year; for that went directly to the taking up and prosecuting of persons supposed to have committed acts of treason. To adopt such a system of prevention was to desert all the principles and policy of our ancestors, in favour of the infernal policy upon which the bastiles and dungeons of tyranny had been peopled. It was to say, "We will take up men out of mercy and kindness, because we think them likely to commit crimes; but this very mercy shall immure them in prisons, and cut them off from society during our will and pleasure." Members of parliament were excepted; but might not any other man be deprived of his liberty by the will or mistake of ministers, as much as in any country where there existed a power of arbitrary imprisonment? It was said, that no man could be taken into custody on suspicion of a crime of which he had been previously acquitted; but ministers, upon their own arguments, must consider the persons lately acquitted of treason as more likely than any other to commit acts of treason; and what security was there against our seeing that which had been declaimed upon as the climax of French injustice, viz. men who had been acquitted, and imprisoned as suspected? The whole went upon the new French principles, which characterized every fresh act of ministers, while they were holding them up as the grand object of alarm. What but caprice could prevent them from taking these men again into custody? They would not take up Hardy —Why? Because, when men abandoned the plain road of the constitution, they were involved in eternal contradictions. It was admitted that a conspiracy to levy war was not treason, and then it was asked, "Shall we not prevent the mischief by taking the parties into custody before war is actually levied?" The law said

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distinctly, you shall not take them into custody as guilty of treason; this was all the answer necessary to be given; and to say otherwise was to calumniate the statutes of Edward 3rd and Charles 2nd. He was the less surprised to hear the law calumniated, when he heard the same persons who did so, calumniate those who were charged with the administration of the law. They talked of juries respectfully in words, but what was their argument? "We will not try any of the persons implicated in the charges against the persons lately acquitted; but if any shall be guilty of similar offences, them we will prosecute, and take our chance of the verdict of another jury." Thus they would reduce trial by jury to something of equal value with a trial by chance. Those who in colourable words so talked of the effects of the institution, he could not but suspect of disliking the institution itself. His learned friend who spoke last had said, that the cross-examination of witnesses on the trial had been permitted to a latitude beyond all precedent. By whose fault? The fault of the Court, undoubtedly; and if the Court was to blame, let the Court be censured, or rather let his learned friend own fairly the principles of those with whom he now acted, and say, "When the Court and the law are in our favour, they are entitled to all possible deference; but when they happen to be against us, we owe them no respect." The entire speeches and evidence of the learned gentlemen on the trials had not convinced the juries, and parts of the one, with scraps of the other, should not convince him. He would venture to assume, that they who heard part of the argument and evidence, and that only upon one side, could not form so good a judgment of the case as the juries who heard the whole. All the means of prosecution and of evidence were in their hands; all the persons whom they thought fit to prosecute had been acquitted; they acknowledged the acquittals to be so decisive, that they did not think it adviseable to prosecute any more; it was not therefore, very fanciful to say, that every man and woman in England had been acquitted of the alleged conspiracy; and, notwithstanding all he had heard, his ideas were too gross and concrete to conceive a conspiracy without conspirators. The arguments of those who opposed the bill were said to be few. They had on their side the law and the constitution, and were only called upon to refute the strange arguments brought against them. If original arguments were ever so abundant, he would disdain to use any, for he was not so presumptuous as to set up any theory of his own in preference to the law of Edward 3rd and of Charles 2nd. To suppose that any number of the people of this country were disaffected to the constitution was a calumny. The House was called upon in 1795 to suspend the Habeas Corpus act, for correspondence with France, which had taken place in 1792, two years before the first suspension was proposed. Ministers themselves owned that even in the suspected societies, the greater part were deluded by the few, who, under the mask of parliamentary reform, wished to lead them to subvert the government. What did this prove, but that the people were so well affected to the constitution, that no man durst speak openly against it? Had there been a period since the accession of the house of Brunswick, when there were fewer persons in this country disaffected to his majesty's person? Was any such period likely to occur? At what time, then, could they hope for the restoration of the Habeas Corpus act? Better would it be, to say at once, that they had taken their last leave of it, and that the state of Europe was incompatible with a limited monarchy in Great Britain. Were we to wait till the London Corresponding Society dissolved themselves? Ministers would say, that the dissolution was only a pretence. Were we to expect the death of all the members? Few as they were, they would have successors; for, till all governments were perfect, and all men wise and virtuous, there would be discontented persons in every country. Under arbitrary governments the discontented were more numerous, though less active, and consequently apparent; but, when the awful crisis came, then it was found, that curses had been uttered, not loud but deep. In 1768, 1769, and 1780, there had been popular tumults, which the authority of the civil magistrate could not suppress; but, since the epoch of the French revolution, the source of all our alarms, had there been a single instance of resistance to civil authority, except, indeed, when the zeal of loyalty was exerted to burn the houses of dissenters?

Mr. Fox asked, how any man of sense

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or humanity could talk of the persons lately acquitted as having experienced the mercy of their country? Was it mercy to be torn from their families, to be imprisoned for six months, and then turned out into the world again, their means of subsistence perhaps cut off? They had experienced the justice of this country in their acquittal: but to talk of mercy was an insult. He concluded with observing, that the trial by jury, and the representation of the people in the House of Commons, were the corner-stones of the constitution. The latter, he had long been of opinion, stood in need of some reform: for although it was true, that the House was capable of receiving an impression from the people, it had been most calamitously proved in the American war that it did not receive that impression soon enough; and there were cases, such as the present war, still more calamitous, in which time was every thing, and delay might involve House, Lords, King, and people in one common ruin.

Mr. *Pitt* said, that supposing the danger to exist, the only questions were, whether the remedy proposed was applicable to that danger, and whether the application of it was likely to produce evil consequences? It was neither a deviation from the policy of our ancestors, nor a desertion of the principles of the constitution; but a constitutional remedy often applied in cases of adequate danger, and fortunately always with the best effects. Was such a conspiracy as had been so often and so ably described, a case to which the suspension was less applicable than any of those to which it had been applied in former times? Did a case in which opinions of the most poisonous nature were circulated, with every degree of art through every channel, when the most extraordinary exertions were made to put in motion a machine, the dreadful effects of which had been but too fatally experienced in another country, less demand vigorous and effective means of prevention than others, where, although the danger was great, it was not so active. To prevent the commission of crimes, which, if not prevented, it might be too late to punish, was the distinct object of the bill. This, it was said, was like the old policy of France, or like the new system of Robespierre; but let it be remembered, that by this prevention the House of Orange, in the first instance, and the House of Brunswick in the second had been maintained upon the throne. In France, persons acquitted of imputed crimes were imprisoned as suspected; here and under the suspension of the Habeas Corpus act, they were enlarged. The circumstances of the time demanded that a discretionary power should be given to ministers, and there was no reason to fear that it would be abused, any more than it had been upon former occasions. No man would carry the plea of *autrefois acquit* so far as to say that it should operate as an indemnity for all future offences; and therefore if any of the persons lately acquitted, should be found pursuing such measures as those for which they had been tried, they would be as liable to be taken into custody as any other. A power must be given by the bill to commit on something less than legal proof of treason, or the bill itself must be nugatory. Conspiring to levy war, was by several temporary acts of the legislature, a substantive treason; and in particular cases, such as if the conspiracy took effect, as it must endanger the life of the sovereign, by the stream of authorities for more than a century, it was an overt-act of treason. The bill was, therefore, a measure of sound precaution, both for the individuals who might engage in such designs, but above all for the public. Even where persons were committed on legal proof of treason, it might take much time to explore all the connexions and ramifications of the guilt and consequently much time before the offender could be brought to trial, consistent with a due regard to the public safety. The alleged disrespect for the verdict of a jury proceeded on a misconstruction of words. It was no disrespect to say that different juries might draw different conclusions from the same facts, or that a jury might have been misled by an advocate's eloquent and powerful statement of the law of treason. He came next to examine whether a conspiracy of such magnitude as to call for the remedy proposed, had been proved. Here he took notice of the history, views, and intentions of the societies. To this, he said, no answer had been given; but he had heard with grief, a right hon. gentleman (Mr. Fox), who claimed being the champion of the constitution, say, that from all this he felt no alarm. He had heard it, indeed, with the less surprise, because he had observed, from session to session, and from day to day,

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gentlemen on the other side of the House with more of less caution, decrying the danger to be apprehended from French principles.—He recurred again to the machinations of the disaffected, which, he said, the speeches of gentlemen on the other side of the House rendered still more dangerous, and still more necessary to be guarded against, by the sound part of the House, and of the country. All the facts charged in the Report of the Secret Committee had been admitted by the advocate for the accused, to have been proved upon their trials. The verdicts of the juries were not conclusive. Juries might acquit prisoners, without deciding that they were not conspirators, or that no conspiracy existed. To refuse to continue the suspension would be to declare that all the acts proved upon the trials were innocent. It was really surprising to hear a right hon. gentleman (Mr. Fox) declare that the societies were the less dangerous for not being men of property after the example in France when those of no property took the ascendant over those that had, and reduced them to a state more deplorable than was formerly the condition of the meanest. The smallness of the number of those societies which smallness, however, he believed to be only comparative, was undoubtedly a security to the majority, if they took the necessary precautions; but if they now by supineness exposed themselves, they would also expose the bulk of the people to be worked upon by those engines of incessant activity which employed all the arts even of war in every species of deception. The quotation made by an hon. member might be reduced to two questions, "*Quibus auxiliis? Et quando?*" Their auxiliaries were the champion writers of the Rights of Man, the Jacobins, and the French Convention; their time was that which was to be the signal for the assembling their secret committee—when the French fleet was at sea, and when they had hopes of an invasion. He then concluded with an eloquent description of the relative duties of the parliament and the people. The parliament whilst he explained to them the extent of their danger, would show their fortitude and firmness in resistance; and the people would support them with confidence and loyalty. Thus, by their united efforts they would both be happily rescued from all the dangers that assailed them.

Mr. *Grey* said, that the gentlemen with whom he had the honour to act, had been frequently upbraided, with having exulted at the acquittal of the persons who had recently been tried under the suspension of the Habeas Corpus act; and a similarity had been drawn between that exultation and what might be expected at the acquittal of a felon by his accomplices. Let the House examine how the question stood. Certain persons had been accused of a treasonable conspiracy, and the grounds of charge agains them were, the publication of certain papers: on these a jury of their countrymen had pronounced the persons accused to be innocent, and the charge unfounded. What were we then to think of the calumnies which were poured forth against the exercise of the invaluable trial by jury? Would it be said that it had not been fairly exercised, because it had brought to light the unfounded alarms with which ministers endeavoured to frighten the nation for the purpose of answering their own views? It had been argued, that there were precedents to warrant a suspension of the Habeas Corpus, and that, as no evil consequences had arisen to the liberty of the subject on those occasions, there was no apprehension to be entertained that the powers entrusted to ministers by the present bill would be attended with more inconvenience now, than on the occasions alluded to. To this he would answer, that a suspension of the act in question had never before taken place on such trivial grounds; and he defied those who supported the present question to adduce a single instance in which a renewal of the suspension was suffered to take place, after the acquittal of the persons apprehended under its sanction. To favour the measure the watch-word Jacobinism was constantly brought forward, and the example of France held up to the view of the public; but these could have no possible relation to the condition of this country, or the temper of its inhabitants. The former despotism of France effected its own overthrow, from the intolerable abuses which had crept into it, and which it was itself unable to correct; but the constitution of this country, provided the means of reforming its errors, and consequently of perpetuating its blessings. The French revolution had been termed a rebellion, obtained by outrage, and characterised by insult: this, however, was not the fact; he would insist that rebellion had never been accomplished by insult on the part

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of the people, but provoked by the oppression of rulers; and in this he was happy to be supported by Mr. Burke, and others who had acted with him in his opposition to the American war. If any discontent had been raised in the country it could not be by Paine's and Barlow's books, without a previous cause; but the discontent must have been excited by the government,

"————For love of grace,
Lay not that flattering unction to your soul,
That not your trespass, but my madness, speaks;
It will but skin and film the ulcerous place;
While rank corruption, mining all within,
Infects unseen."

Let us review the discontent of France at the time of the revolution. That could not be said to proceed from want of power of imprisonment. There was an absolute monarchy and a bastile. Let us review the conduct and motives of the Dutch: they have been accused of supineness: they were not supine under the oppressive tyranny of Philip the 2nd; nor would they have been supine now, if they had not wanted cause for exertion. The fact was, that they were weary of their government and no longer thought it worth defending. It was indifferent to them whether they received a foreign power, or were subjected by a domestic one; they had nothing worth protecting or fighting for, and found an interest in ridding themselves of a government which had, in a great measure, become intolerable, and deprived them of those privileges which they once possessed, and which it was their pride to maintain. Here was an example well worth the contemplation of all the governments of Europe, since it would teach them how dangerous it was to trifle with the most sacred rights of the people. He should give his negative to the motion because he approved of that old exploded doctrine, that the Habeas Corpus act ought never to be suspended except in cases of actual or very imminent danger.

The House divided:

Tellers.

Yeas	Mr. Solicitor-general Mr. Serjeant Watson	239
Noes	Mr. Grey Mr. Sheridan	53

The bill was then read a second time.

List of the Minority.

Antonie, Lee	Aubrey, sir John
Anspn, Thomas	Bouverie, hon. E.
Burch, J. R.	Lemon, sir William
Byng, George	Maitland, hon. Thos.
Cavendish, lord G. H.	M'Leod, colonel N.
Church, J. B.	North, Dudley
Coke, T. W.	Pierse, Henry
Coke, Edward	Plumer, William
Colquhoun, William	Powlett, Powlett
Courtenay, John	Rawdon, hon. John
Crewe, John	Robinson, Maurice
Curwen, Christian	Russell, lord William
Erskine, hon. Thos.	Spencer, lord Robert
Edwards, G. N.	Shawe, Cunliffe
Featherston, sir H.	Smith, William
Fitzpatrick, general	Sturt, Charles
Fletcher, sir Henry	Tarleton, general
Foley, hon. Edward	Thorold, sir John
Fox, rt. hon. C. J.	Thompson, Thomas
Francis, Philip	Townshend, lord J.
Hare, James	Walwyn, James
Harrison, John	Wharton, John
Harcourt, John	Whitbread, Samuel
Howard, Henry	Whitmore, Thomas
Jekyll, Joseph	Wynn, R. W.
Jervoise, C. Jervoise	TELLERS.
St. John, St. Andrew	Grey, Charles
Lambton, William H.	Sheridan, R. B.

Jan 28. The order of the day being read for going into a committee on the bill, the Attorney-general moved, "That the Speaker do now leave the chair."

Mr. *Fox* said, that there was nothing asserted in the preamble of the bill which had any reference to the law of treason. He would not pledge himself to the measure of bringing in a declaratory act to explain the law of treason; but if, in the late trials, doubts and constructions had been attempted to be introduced upon the statute of Edward 3rd, which was, in his mind, the most simple and explicit upon the statute book, it was of importance that these should be done away, and that the statute should be put upon the footing of clearness and precision, for which it had originally been introduced. He meant to oppose the Speaker's leaving the chair, on the general grounds which had already been stated, and which he should not now recapitulate. It had been said, that in suspending the Habeas Corpus we only imitated the example of our fathers: the Habeas Corpus, had, indeed, been suspended, but the continuance of that suspension, after the period for which it had originally been fixed, was rare indeed. In the reigns of William 3rd, and of George 1st and 2nd, it had been suspended either during the period of rebellion, when it was of consequence to prevent any accession to the rebel force, or from the dread of attempts to assassinate the king, which from the instantaneousness with which

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they could be executed, it was expedient and necessary to meet by means of immediate prevention, neither of which circumstances applied to the present period. He concluded, therefore, that the present measure was as little warranted by precedents, as it was by the general principles of the constitution, and the consideration of existing circumstances.

The *Attorney General* declined entering into the general discussion, but deprecated any attempt to draw the law of treason into question.

Mr. *Pitt* said, that for the honour of the country no case similar to the present had ever occurred. The dangers which we had now to encounter arose from the progress of those principles, the dreadful consequences of which we had for some years past had the misfortune to witness. Since the Revolution the Habeas Corpus had been twelve times suspended, and in three or four of these instances the suspension had been continued without bringing forward any fresh grounds, only stating the general prevalence of danger. The only question, then, was, whether, because the danger at the present moment was not precisely the same, though in the minds of many rational persons it was of a nature infinitely more alarming, we ought not to adopt the same means of precaution that were employed in those former instances.

The House divided:

Tellers.

Yeas	Mr. Serjeant Watson Mr. Hobart	68
Noes	Colonel Maitland Mr. Jekyll	14

The bill then went through the committee, and was afterwards reported. On the 29th, it was read a third time; and on the motion "That the bill do pass," the House divided:

Tellers.

Yeas	Mr. Steele Mr. John Smyth	62
Noes	Mr. Sheridan Mr. Plumer	4

The bill was then passed.

Debate on Mr. Grey's Motion respecting Peace with France.] Jan. 26. Mr. *Grey* rose, in consequence of his notice to bring before the House a question in its nature and in its consequences one of the most important on which that House ever exercised its deliberation or its power. After two years war, marked with a mixture of brilliant successes and melancholy disasters, both of which had contributed to drain this country of its blood and of its treasure, we were not one point nearer to the object for which it was said to be undertaken. A melancholy reflection this; still more so, when the lives of perhaps 50,000 of our countrymen had been sacrificed, and when we had so enormously increased our debt; a debt which had contributed so much, and which would contribute much more, to damp the ardour, cramp the genius, and check the industry of all ranks, and descriptions of people. Melancholy indeed was this reflection since if the war were to terminate to-day, we should have added to our national debt perhaps 70 millions. Surely, then, it became the House to pause before they proceeded one step farther, where the issue was so hazardous, and the loss so large and certain.—The proposition which he had to bring forward was such as every member had had an opportunity of considering, for when he gave his notice he not only explained the nature of the subject, but gave to the House the very terms of his motion; and he added at that time, in order that no ambiguity should be found in any branch of the subject, the substance of what he conceived to be the minister's avowed opinion as to a form of government in France, with which this country might safely and honourably treat. He should re-state as well as he was able, the words of that right hon. gentleman. He had said, "that in regard to the government with which we should treat, the best terms of security were, in his opinion, to be obtained from a monarchy on something like the basis of the old government of France, that he conceived it would be possible for this country to treat with a republic, but that with the present government of France, we could not treat, nor ought we to treat, for we were not yet so reduced as to make it necessary for us to treat with them, and there was nothing in the aspect of their resources which made them formidable to us. In fact, nothing short of the utter ruin of this country would induce the minister to treat for peace. This, he understood to be the meaning, and this he feared might be the effect of the right hon. gentleman's sentiments upon that subject, if that House should be pleased to adopt them. And these sentiments were indeed alarming, when it was considered that they came from a man who had the

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direction of public affairs, and on whose opinion, should the House support it, the dreadful issue of this war depended. This opinion, however had not yet been countenanced by the House of Commons. He hoped it never would, and he had now endeavoured to bring a question forward which should, as fairly as possible, put that point in issue. This was an occasion in which it was absolutely necessary, that the House should deal fairly and frankly with the people; the more especially so when they were voting away the money and sacrificing the lives of their constituents. It was a question, on the issue of which even the people of France had a right to expect the House to come to a decision; for the people of France ought to know against what it was that they were fighting—they ought to know, whether, in the opinion of that House, they had a right—which he would contend, as a general principle, every nation under Heaven had — of determining what form of government they shall have. There was another reason why the question which he should propose that night should be met by an explicit vote—it was necessary on account of the situation of the minister himself; it was as important to him that he should not be deceived, as it was important to the country that he should not deceive the House. It was necessary that he should know whether the House was willing to go on with a *bellum ad internecionem*. His proposition was framed with a view to all these points. It was plain, simple, and intelligible It did not go to the full extent of his own opinion upon the subject. The effect of his motion went not the length of declaring that we would, or even that we ought to negociate now. It would be nothing more, if carried, than a parliamentary declaration, that the form of government in France was not a bar to a negociation with this country. It merely aimed at putting the affairs of the two nations in a negociable state.

This, then, being the question, he hoped that the pledge which the minister had entered into of meeting this subject fairly, would be acted up to, that the question might not be evaded. He had been told, upon former occasions, that the question between this country and France, was not to be considered as the ordinary dispute between nations at war, but was of a particular nature. Unfortunately, that was true; but yet we ought to know the specific object of hostilities; then we should consider what prospect there was of future success from past endeavours; and then would follow the question, how far it would be politic to continue hostilities. But the question, unfortunately for us, could hardly be said to be now of that nature. He was told, when the dispute arose that there were several causes for the commencement of the war; he was told, when hostilities commenced, that the fall of the government of France was essential to the safety of our own; for that theirs was in direct hostility to ours, and that their success was incompatible with our safety. He had no doubt but that he should be told the same thing now, and that it might be insisted upon, that therefore we could not now negociate. Nor had he any doubt, but that an attempt would be made to tell the House, that their former decisions were tantamount to this. He did not think that such could fairly be said to be the effect of any of the decisions of that House. If we recurred to the time when we were at peace, we should find the House in express terms thanking his majesty for abstaining from all interference in the affairs of France. This was in December 1792,* long after the king of France had been deposed, and the French had established a republican form of government; and after also many of the excesses for which the French had been so much and so deservedly blamed had been perpetrated. He knew of nothing since in which the House had given a contrary opinion. He had heard, indeed, many arguments urged to support a contrary opinion; but he did not know of any decision of that House by which that opinion had been negatived, and therefore he did not propose now any thing incompatible with what the House had already done. It was for the House to consider, whether they would countenance to its full extent, the opinion which the minister had often expressed upon the subject, and would take from him and impose upon themselves the great responsibility which had hitherto been attached to administration only. He would ask the House, to reflect upon the situation of the present war, and on the manner in which it had commenced. It was true that the declaration of war originated in France; but did that decide the question of, who in reality commenced the contest? Did we not refuse all satisfac-

* See Vol. 30, p. 6.

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tion to France after complaints were stated? Did we not send away one of their ministers, and refuse to receive another? Was, therefore, the mere declaration of war the commencement of hostilities? Most indubitably it was not. He therefore regarded the war on our part as a war of aggravation, without showing to the French how it might have been avoided, or how it now can be discontinued, and by this conduct on our part there was a complete bar to all treaty, to remove which bar was the object of his motion.

How far the object of the war, on our part, as explained by the minister, was attainable, and how far, under the present circumstances, it was politic on our part to pursue it, were points which ought to be considered. If the House was indeed of opinion, that the very existence of this country depended on our being able to force the French to abandon their present form of government; however distant and vain the hope might seem to him, he could have nothing to offer against our trying to accomplish it; for he had no doubt that the House and the country must determine to make every sacrifice in their power; but he hoped that the existence of the government of France was not incompatible with, or its destruction necessary to, the safety of this country, and he was happy to say he saw nothing that ought to preclude our treating with them. In examining this question, he should not find it necessary to inquire into a point which had been often insisted upon, namely, that one nation in some cases has a right to interfere with the internal government of another. As a general proposition, he was ready to say he could not admit the right which one nation had to interfere with the government of another; but in certain particular cases, he thought the proposition might be admitted: he begged it to be understood that he did not subscribe to the doctrine of interference with the governments of other states to an unqualified extent. It was not, however, to be denied, that, generally speaking, a nation has a right to form its own government, and that other nations have no right to interpose. That was not a question into which the discussion of this subject would properly lead; for supposing the destruction of the present government of France to be a desirable object for this country, it became us, before we should set about it, to inquire into the prospect which we had of succeeding in the attempt, and ask ourselves whether the probability of accomplishing it was equal to the hazard of the enterprise. Here he must confess the view was very unfavourable. He did not wish to dwell on the circumstances of the war, because they were fresh in the recollection of every member, and because they were, the latter part of them, so extremely disastrous, that no man of sensibility could review them without concern for the fate of this country. He feared they afforded but an indifferent source of consolation to those who had predicted a favourable issue to the contest. He had heard with astonishment the foundation which the minister laid for our success in the termination of the present war; namely, the weakness of the French and the strength of Great Britain. He was astonished, he repeated, at hearing this sort of argument; however, that was the ground on which this question should be considered, and the argument was divided into two branches—the chance of a counter-revolution in France, and the reduced state of their finances. With regard to a counter-revolution to be effected by force of arms, was it necessary that such a position should be argued? Was it necessary to recapitulate the circumstances which made up our daily experience upon the subject? It was true, that the present government of France had committed the most horrid acts of cruelty; but was it doubted, that with all its excesses, the mass of the people were attached to that government? And if so, was it to be a question, whether the moderation which that government had lately shown, would diminish that attachment? The truth was, and it would be criminal to attempt to conceal it, the people of France detested the very idea of a monarchy at this moment: whatever might be the defects of a republican form of government, a republic they were determined to have, and it was out of our power to prevent it. A republic they would have, one and indivisible; whatever the minister of this country might think or say, that would be the established form of government in France; at least by force we should never be able to prevent it. This opinion he had formed at an early period of the contest, and every event had confirmed that opinion. But he was ready to admit, that those who maintained a contrary opinion, were not inconsistent with their premises; for they al-

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leged, that the French revolution was brought about by the people having perused republican writings. He, on the contrary, maintained, that the French revolution was not the result of the theory and speculation of philosophers, but arose out of the hardships and misery which made the French hate and detest the tyranny and despotism from which they originated. It was ridiculous to say that any people will revolt under a good government, merely to try the effect of theory and speculation. Those who were of that opinion, were unacquainted with the character of man. He should like to be shown the page of history, where the mass of any people had revolted from the government under which they enjoyed protection. In reality, mankind in general were inclined the other way; they were fond of a government, and sometimes blind to its defects, when they were conscious they were protected by it. But he was afraid this was not always the case with governments: those who managed them were not always satisfied with the affection and obedience of the people; they would often plunder and insult them. He was sorry to say also, that governments in general seemed not to grow wise by experience, and that this was most unfortunately true in the history of revolutions. It had been hoped that the revolution of America would have taught ministers to proceed with more caution. But let us see a little how we stand. Three campaigns had now passed. Had we gained any thing? We were once so forward, that, in the opinion of an hon. gentleman (Mr. Jenkinson) we might be able to march triumphantly to Paris; and he believed, although he was not so sanguine as that hon. gentleman, that really at one time there was some idea that the allies might subdue the French. But had we gained one inch since that period? We had made once an impression on the side of Alsace. Had we gained any thing since? We had gained the port of Toulon. Had we gained a single man in favour of our cause by that event? If we looked to the south of France for an insurrection, what prospect had we of gaining any thing by it? There we should see the main body of the people attached to the present government. Was it not, at this very moment, the case in our own? Did we not see the hands of government strengthened every hour, even upon the bare suspicion of a common danger? Had not the Habeas Corpus act been suspended on that idea? Was it the less likely to be the case in France, under all circumstances, than in any other country? He would say, therefore, that with regard to every hope of a counter-revolution in France, the question was at an end. The next point which had been insisted upon by the minister, as a reason why we should expect success in the present war, was the want of resources on the part of the French. He had heard much on this head, from the commencement of the war to this moment, and yet the French had been successful in proportion as we had depreciated their resources. He had heard it in his majesty's speech. [Here he read part of the king's speech of last year. *] Such was the language in 1794, and such was the language now. But the history of the world proved the fallacy of this mode of argument. Precisely in the same style the House of Commons was addressed in 1777, when the American war was hardly begun, and upon that occasion a speech was made by a person (the late lord Chatham), to whose authority the right hon. gentleman would certainly pay some attention. That great statesman had then asked, "Where is the man who has the forehead to say he can prove it? I should be glad to see his face; I should like to look at it." Now we all know that the Americans had issued a great quantity of paper money, and they were said on that account to want resources, and it was insisted that therefore they must fall. It was then also stated that the debts of the Americans would amount to 66 millions sterling, and that the whole value of their estates did not amount to more than 33 millions. Such were the arguments then, and such they were now: this was the misfortune of having the affairs of this nation in the hands and under the direction of men who were unable to distinguish betweeu the fallacy of such calculations and the energy of a people struggling for what appeared to them to be their freedom—men who thought that their knowledge upon such topics was superior to what was to be collected from the testimony of experience and the history of nations. But, if we compared that statement of American resources with those of France, we should find that, even upon that calculation, there was a prodigious advantage in favour of

* See Vol. 30, p. 1046.

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France. The most exaggerated account that had been given of the probable debt of France, amounted only to 420 millions, and the value of their landed estate was admitted to be above 600 millions sterling. What, then, was to be said on the question of calculation, especially when we all knew that the French were now adding whole nations to their wealth —when they had in their possession a bank, which was once said to be identified with the bank of England? But this, in truth, great and mighty as the advantage was in favour of the French, was not by any means the real way to estimate the resources of a people, who, in a state of revolution, were contending for their liberties and lives. They were not to be measured by the common efforts of a people; for while there was iron in the bowels, or grass upon the surface of the earth, there was no end to their resources. Besides, if we looked at the population of France, we should find that it amounted to one-sixth of the whole of Europe: add to this, the distracted and impoverished state of our allies, and then he believed no man in his senses would think of success in another campaign against them; for it was clear, however desirable the thing might be, it was impossible to conquer them. With regard to our own resources, he believed them to be very great; equal, certainly, to every thing to which they ought to be applied, but not equal to the conquest of France, or the carrying on a war of aggravation. Whatever we might think of ourselves, we had not, nor could we, in the nature of things have in the prosecution of this war, the energy and spirit of the French; for they must fight while there was a man or a shilling left. What were our resources? Had the Emperor improved them? Let us hear what was said upon that subject in his own memorial, wherein he stated that he was drained of men and money, and that his army was destitute of provisions and other necessaries, and that they must return home. [Here Mr. Grey read an extract from the memorial.] Was it from the exertion of the Italian states that we expected to derive essential assistance? Was it from the king of Sardinia? Was it from Spain? Was it from the maritime power of Naples? Was it from that disgraceful alliance with the empress of Russia, who had authorized murder and devastation; who gave us promises in abundance, but who had not yet furnished us with a single man, or a single ruble? Was it from our good ally, the king of Prussia, who had taken 1,200,000*l.* of our money? Let us hear his construction on the treaty which enabled him to receive that sum of us, as also the opinion of the Emperor on that subject. The Emperor complained that his Prussian majesty had not brought into the field the 62,000 men, agreeably to his engagement. The king of Prussia denied our right to command any of the Prussian troops, and asserted that they ought not to march against the French, but remain to defend Germany. Could any thing like an excuse be given by ministers for this wild waste of the public money? The right hon gentleman had quoted a passage from an eloquent speech. He might, by looking a few lines back in the same speech, have found another, much more to the purpose:

"Spem si quam accitis Ætolûm habuistis in armis,
"Ponite—"

He had often heard that the strongest reason a great nation could have for entering into a war was, to defend its honour; and he agreed to that, because it was by defending its honour it protected itself from insult; but he never understood it to be sound policy to cherish this principle beyond all limits; on the contrary, he took this to be, as every thing in human affairs ought to be, subject to the dictates of prudence; and here we had nothing to fear on that account, for we had vindicated our honour sufficiently to secure us from future insult. The only question for him to consider, and that he confessed was the most difficult, was, the general question, How we were to submit to the disgrace of a negociation? His answer was, that his motion did not go to that length. He was ready to confess, that, as far as his opinion went, we ought, under our present circumstances, to begin the negociation; but his motion did not go to that effect; it was only to put the country in a negociable state. He had heard also a great deal upon the doctrine of the National Convention of France, by which they were said to avow a principle of intermeddling with the governments of other nations; and as a proof of it, the decree of the 19th of November 1792 had been quoted. Now, the House ought to recollect, that the French Convention had repealed that decree, and

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followed that repeal with a declaration that they would never interfere with the government of any other country. He had heard it said, that we have not yet had any opportunity of negociating with the French. He wished to know to what period it would please gentlemen who asserted this, to allude. Gentlemen on his side of the House had proposed a negociation at the commencement of the misunderstanding between our government and France. That was a proper period. We had been successful in several instances since the commencement of hostilities. Those were proper periods to negociate; and in each of these instances a negociation was recommended from that side of the House; and he was convinced that negociation at that time would have been effectual. It was not his fault, nor the fault of those with whom he acted, that this country was in so awful a situation now. It was not their fault that so much desolation had taken place; that so many thousands had lost their lives, that the helpless widow had been made to weep, or that the orphan was destitute of protection: for had the advice of his right hon. friend (Mr. Fox) been taken at an early period, all the calamity which Europe had suffered for the last two years might have been avoided. When the blessings of peace would be restored, it was impossible to foresee. If the right hon. gentleman was determined to persist, as he said he was, till the republican government of France was destroyed, the time but too probably would come, when he himself would be obliged to humble the tone of his quotations:

"Ante equidem summa de re statuisse—
Et vellem, & fuerat melius: non tempore tali
Cogere concilium."

He was asked, should we trust to the mercy of the French government? Certainly not; we were a great power, and had great resources; but that was an additional reason why we should put our affairs in a train for negociation. If we did so now, we had the advantage of that power and of those resources; but should we exhaust them both, and be at last compelled to negociate, we should then indeed be at the mercy of the French. Should the right hon. gentleman say, after Hanover might possibly be added to the conquests of the French, we might then proceed, perhaps the fertile plains of Lombardy might be added also, and the whole of Spain. Would he then say that we were less at the mercy of the French than at present? Did the right hon. gentleman really believe, that the people would submit for ever to be guided by such abominable policy? Did he really believe, that even at this hour the war was popular? Did any man in that House believe it? He was confident of the contrary. If the House was really disposed to trust ministers with the farther prosecution of the war, would the right hon. gentleman declare that he could trust his allies? This, therefore, was surely a time to put our affairs in a train of negociation. Should our attempts prove fruitless, then the House would be unanimous, and the people would be unanimous, and we should prosecute the war with vigour. For his own part, he declared he should be ready to go into the field, to place himself in the front of battle, and to fall in the service of his country. He then moved, "That it is the opinion of this House, that the existence of the present government of France ought not to be considered as precluding, at this time, a Negociation for Peace."

Mr. *William Smith* said, that at a crisis so awful, he conceived it to be his duty to throw his arguments, of how little weight soever, into the scale, and that there was a view of the subject which, though frequently adverted to, had never yet been considered so much in detail as its importance appeared to him to deserve. To this point, therefore—the resemblance of the present unhappy contest to that almost equally unfortunate one, the American war,—he would solicit the attention of the House; and he earnestly entreated gentlemen to consider that, although by agreeing to the motion they would not be laid under any obligation whatever to ask for peace, yet that the rejection of it could not fail to increase the impediments which now lay in the way of our obtaining that most desirable object. If, indeed, it should be rejected on the grounds he had heard stated on former occasions, he did not see the probability of a negociation being ever set on foot, unless he should be unfortunately compelled to it by the iron hand of imperious necessity. Analogical arguments, he confessed, were not always conclusive; because in all moral and political comparison, there could not fail to be many points of dissimilarity as well as of resem-

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balance. It was, however, a mode of reasoning applicable, perhaps, most of all to politics, as experience, so justly deemed the surest guide in such cases, was in fact no other than a right discernment, and a judicious application of past analogies to present circumstances. In the momentous affair under consideration, he had, by an attentive review, discovered resemblances so numerous and so striking, that he should take the liberty of trespassing on the patience of the House, while he drew the parallel from the commencement of the contest. And in the first place, it was to be observed that the two revolutions in America and in France, had precisely the same origin, viz. a persuasion operating throughout the people, that their government was unjust and oppressive, which produced open resistance. In what degree their opinion was well founded in either case, entered not into the present argument; it was sufficient that it existed, and that it did now almost universally exist in France, as formerly in America, he thought the events of which we had all been witnesses, were sufficient to convince any man not resolutely blind and hardened against conviction.—But were it seriously alleged that the royalists in France were the superior party, in spite of all evidence to the contrary, he would remind the House that it was by similar assurances the country had been deluded both to attempt and to prosecute the subjugation of America. In the speeches from the throne, from the beginning of 1774 to the end of January 1781, this fallacy had been constantly maintained. Nay, even in 1782, when the contest was perfectly decided, an hon. gentleman had hardily asserted, that the unhappy faction in America, though less numerous than the party of the royalists, could only be rooted out by force.* Surely, then, it was too much to expect that implicit credit should be given to the repetition of the same deceptions. What, however, of unanimity might be supposed wanting in either country, had been produced also in both by similar means—by cold and haughty treatment, not to say by the absolute rejection of every conciliating proposition in the early stages of the respective affairs—by violent and even abusive language, by furious and threatening manifestoes, and, above all, by the operations of armies apparently willing to execute such threats in their utmost extent, and determined to ravage what they were unable to subdue. In some of these points, perhaps, our allies, in the present war, might claim the largest share of guilt and folly; but the effect on France remained unaltered. With respect, also, to the quarter from whence both these calamitous measures took their rise, in the councils of this country, he thought much might be said. Certainly, those most active on the former occasion, were now to be found in the list of his majesty's advisers, but it must be allowed they never mixt with many of a very different description; for the chancellor of the exchequer, among numerous instances of resemblance to his illustrious father had unhappily imitated one of his measures so closely in forming the present administration, that the description of an hon. and most eloquent gentleman, would apply, with almost perfect precision, to the cabinet of this day. "He made", said Mr. Burke, "an administration so checquered and speckled; he put together a piece of joinery so crossly invented, and whimsically dove-tailed; a cabinet so variously inlaid, such a piece of diversified mosiac, such a tesselated pavement without cement; here a bit of black stone, and there a bit of white: patriots and courtiers, king's friends and republicans, whigs and tories; treacherous friends and open enemies, that it was indeed a very curious show, but utterly unsafe to touch, and unsure to stand on."—* In the commencement, too, of both these wars, the conduct of this country was stated to arise from a prudent and political regard to the conservation of the system of Europe. The language lately used still rung in the ears of every one, but all might not be aware of its perfect co-incidence with the sentiments delivered from the throne in 1776, when, in the same spirit of laudable and tender solicitude for this important object, it was declared that, "If their treason be suffered to take root, much mischief must grow from it to the present system of all Europe." How far, indeed, that prediction might be true, he would not pretend to say. If the systems of Europe were then completely despotic and shamefully oppressive, the example of successful resistance might certainly pro-

*Mr. Welbore Ellis. See Vol. 22, p. 1032.

*See Mr. Burke's Speech on American Taxation. Vol. 17, p. 1257.

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duce much mischief to such a system, and eventually, equal benefit to mankind; but he thought the true advantage which government might make of such examples was to learn to correct their own errors in time, and not to delude themselves with the imagination that, "when one national union is formed against oppression, can it," to use the energetic words of lord Chatham "be resisted by the tricks of office or ministerial manœuvres? Heaping papers on the table, or counting your majorities on a division, will not avert or postpone the hour of danger." This delusion, however had prevailed in both cases to the most extravagant degree. The people of England had been imposed on by similar misrepresentations; the same pleas of justice and necessity, of the dignity of the crown and the interests of the people, had been urged: the same assurances of speedy and complete success had been given: the same contempt of our enemy had been manifested: the same confidence in our own superiority, as in the origin, so also in the object of these wars; Mr. Smith said, they were similar. It was notorious that it had never been possible, for the two last years to arrive at any definite idea of the point at which we were aiming. We were sometimes endeavouring to re-establish monarchy in France, and at others disavowed it. Sometimes we fought for the defence of Holland and the navigation of the Scheldt, at others to prevent the importation of French principles into England. Now for indemnity and security, and then again for security without indemnity; ever changing with the events of the hour. How exactly correspondent to the description given of the American war by an hon. gentleman (Mr. Powys), who, in 1781, had said, "The insidious pretence of revenue was grown too stale for imposition. The American war had been a war of delusion from beginning to the end. Every promise had been broken every assertion falsified, every object relinquished. It was now a war of this sort then a war of that sort; now a war of revenue, then a war of supremacy; now a war of coercion, and then a war of friendship and affection for America."* At last, however, we had arrived at an avowal of the true object: it had been declared that the present government of France was not fit to be treated with, or, in other words, that we must make war, if not for the express purpose of changing the government, at least till the government should be changed. And whatever colour might be put on such a declaration, he would only desire every gentleman to make it his own case, and then to ask; how far such language held to an independent nation differed from the "unconditional submission" demanded of America,; and if three millions of men there, roused by the flagrant haughtiness and insolence of the demand, had successfully resisted it; what folly, what infatuation was it, to expect a more favourable issue when ten-fold numbers, with equal zeal, were enlisted in the same cause —Mr. Smith then proceeded to examine the means and conduct of the war; and here again he said we might trace the prevalence of the same temper. America was to be conquered by starvation, France was to be subdued by an artificial famine of our creation. American loyalists and French royalists were to be embodied in such numbers as to carry all before them, in conjunction with British troops, and German mercenaries hired from every "princely butcher, to whose extortions," lord Chatham then said, "there were no limits: every corner of Germany was then and had now, been ransacked for boors and ruffians to invade and ravage the country." Subsidies had been granted to every one whose assistance we could buy, while in both cases, the utmost violences had been committed, and the vile spirit of plunder, caught possibly from the intercourse of hirelings, had, in but too many instances, degraded the character of the British forces. In the present, as in the former case, the best disciplined veterans had been beaten by troops described as without courage, without arms, or even clothes; who scarcely knew the use of a musket, and whose numbers would only facilitate defeat. Generals of the highest reputation and most established character, had fled with blighted laurels, before men whose names were hardly to be found in any military list. As on the occasion it had been said, "that general Howe could not advance to the Delawar, without madness:" so with equal truth to the impossibility of advancing had the duke of Brunswick's retreat been attributed. In both cases the inferences might have been nearly decisive, but partial and inefficient successes had perpetually buoyed up the hopes and the

* See Vol. 22, p. 805.

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spirits of ministers, although from the commencement to the conclusion of each contest, not a town had been taken which had not been abandoned, nor a victory obtained, which had not been speedily counterbalanced by as important a defeat. The victory of Camden was followed, not by the reduction of all the southern provinces with which the sanguine expectation of the American secretary then flattered the country, but by the surrender of the victorious army. Fatally similar had been our reverses in the present war, since the capture of Valenciennes, of Condé, Quesnoy, Landrecy, and Toulon! and even the proclamations we had issued in the temporary possession of any conquest, had resembled each other not less in style and spirit than in total inefficiency as to their object. How equally unforeseen and equally ruinous had been the protraction of both the disputes. How equally useless to our cause the defection of Arnold in the one, of Dumourier in the other. How much had our comparative strength been diminished; in the American war, by the accession of force to our enemies, in the present misconduct, not to say the treacherous abandonment of the common cause by our allies; and the warnings and predictions of the opposition in both cases, as well as in all points relating to the general events of the war, had been disregarded with equal contempt and equally verified by subsequent occurrences. Surely, so striking a resemblance in circumstances so numerous and so important, that it would almost seem as if the former had been expressly designed by Providence as a beacon to enable us to avoid a similar misfortune, might have guarded the councils of this country from again plunging into so calamitous a situation. But it was the weakness of human nature to persist in a favourite plan even when its impracticability was become evident to all but its projectors; and in both these unhappy contests, though each grew more hopeless in proportion as it advanced, yet was each pursued with similar pertinacity. The American war was not closed till 1782, although on an enquiry in 1778, into the conduct of general Howe and some of the other commanders, the result was, that no sufficient force had ever been sent to subjugate America; that the people were almost unanimous in their enmity and resistance to Great Britain, and that no subsequent attempt was likely to be attended with better success than those which had already failed. After a series of events the counterpart of those which then produced this opinion, and after the experience of the mischiefs which ensued from the unyielding obstinacy of those times, the same disposition appears nevertheless to predominate, and threatens to involve us in still greater calamities. There were several other points of similarity striking in themselves, but on which, as of less moment, he would touch but slightly. The insolence of the memorial presented to the States General by sir Joseph Yorke was kept in countenance by the treatment which Sweden Tuscany, and Genoa had lately experienced. The same extravagance in subsidies had distinguished both: 1,500,000*l.* had been then paid for the hire, &c. of 80,000 mercenaries, an extravagance then stated by lord Chatham as unparalleled, but which could now no longer be so termed. Similar majorities had also emboldened ministers to repeat towards the opponents of their measures the identical terms of violent invective and false aspersion. In 1780, the country petitions for economy, were said by a noble lord to be the "last efforts of an expiring faction." Those who resisted the subjugation of America were represented, as the friends of peace now are, to aim at the subversion of order and the ruin of property. On summing up the whole, it appeared that the French and American revolutions had arisen from similar causes; that similar treatment had united each people; that the present resembled the American contest in its origin and its object, in the means employed and the effects produced: in equal promises of speedy success, and in equal protraction of their performance — in haughty and boastful confidence, and in the most mortifying and bitter disappointments; while the total and complete falsification of every prediction of the then minister and of every calumny they threw on their antagonists, had not prevented the repetition of the same delusions, the same misrepresentations, and the same promises on the present occasion. From such a similarity in all points hitherto, he must leave every one to deduce his own conclusions. For his part, he could not but think that the only rational one was to expect similar consequences of ultimate disgrace and defeat, which, from the greater strength of the enemy with whom we were now contending, might be attended with far worse effects than on the

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former occasion. For these reasons he could not but strenuously support the motion.

Mr. *Adam* did not think this was a proper time to enter into a negociation; for if a proposal of peace were even to come at this moment from the French to us, he should much doubt whether it would not be detrimental to our interests to accept it. He thought the hon. mover had forgot a part of the address of the House to his majesty, which he desired to be read. He thought that address was, and ought to be, a direct negative upon the present motion.

Mr. *Pitt* expressed himself extremely desirous of taking the earliest opportunity of delivering his sentiments on the present important question. Before, however, he stated the grounds of his objection to the resolution moved by the hon. gentleman, and before he proposed the amendment, which he meant to submit to the House he was anxious that they might be fully in possession, both of the repeated declarations of his majesty, and the sentiments that had been expressed by parliament on former occasions. For this purpose, he desired the clerk to read a passage from his majesty's speech on the 21st of January, 1794, and the answer of the House; and likewise part of the declaration of the 29th of October, 1793; and the declaration of the 20th of November, 1793, at Toulon. [They were accordingly read.] He would take the liberty, in the course of what he had to offer to the House, to contend, that there was nothing at present in the situation of the country, or of Europe, which ought to induce the House to depart from the sentiments recorded in those declarations; from the sentiments expressed from the throne, and from those sentiments which had received the approbation of parliament. He should contend that the motion that had been made was directly inconsistent with those principles, and he should farther contend, that, whatever there was in the present situation of the country, it called on the House, instead of acceding to the hon. gentleman's motion, to show to our enemies and to the world, that we did not shrink from those sober and rational principles which we had uniformly maintained. With that view, he thought it right in the outset to mention the precise nature and terms of the amendment he meant to propose, which was as follows: "That, under the present circumstances, this House feels itself called upon to declare its determination firmly and steadily to support his majesty in the vigorous prosecution of the present just and necessary war, as affording, at this time, the only reasonable expectation of permanent security and peace to this country; and that, for the attainment of these objects, this House relies with equal confidence on his majesty's intention to employ vigorously the force and resources of the country, in support of its essential interests: and on the desire uniformly manifested by his majesty, to effect a pacification on just and honourable grounds with any government in France, under whatever form, which shall appear capable of maintaining the accustomed relations of peace and amity with other countries."

He begged to refer the House to the authentic declarations of parliament and of the crown on this subject, from which it clearly appeared, that his majesty from the throne had avowed sentiments which they themselves had also stated in speeches in that House, and which he believed, to a greater or less extent, had been adopted by every man in that House and in the country, namely, that it would be a desirable issue of the present state of things, to see the re-establishment of some government in the form of a monarchy in France. His majesty had declared his desire to co-operate with those who were willing to effect that re-establishment. That nothing was more justifiable, and, under the present circumstances, would be more political than to direct the efforts of this country to avail itself of any opening in that country, if any there was, to facilitate the re-establishment of some monarchical government, was plain, obvious, and explicit; on the other hand, it was equally clear, that his majesty's sentiments and the language of parliament were not to be tried by doubtful constructions or plausible misrepresentations, but by the most solemn written documents.

In fact, the restoration of monarchy upon the old principles had never been stated by his majesty, by government, or by parliament, as a *sine quâ non*, as preparatory to peace. Not only so, but it had never been stated, that any one specific and particular form of government was deemed on our part necessary, before we could negociate for peace. It had been stated, that his majesty had no desire to interfere in the internal affairs of France;

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and as long as that country had abstained from interfering with the government of other nations, till a direct and absolute aggression had been made on this country, and till hostilities had been actually commenced, his majesty adhered strictly to that declaration, and abstained from any such interference. When that interference took place, which was agreeable to every experience and practice of the world and justifiable on every plain principle of the law of nations, his majesty still restrained himself to that degree of interference which was necessary for his own security and that of Europe. When his majesty felt himself under the necessity of looking at the government of France, he looked at it certainly not without a wish which must naturally arise in every generous heart, that it might be adapted for the prosperity and happiness of those who were to live under it. But with a view to negociation and to peace, his majesty did not look at it with that view, or for that purpose. He could only look at it for English views and for English purposes, to see whether it held out the solid grounds of treating, with any degree of reasonable security for the performance of engagements that usually subsisted, and was to be found in the existing system of the different powers of Europe, without being liable to that new and unexampled order of things, that state of anarchy and confusion, which had for years existed in France. That having been the true measure and extent of the declarations made by his majesty and by parliament, he conceived that no man in that House, on looking back to them, would wish he had not made those declarations; that no man would feel they were not made on just principles, or that they did not arise from a fair view of the circumstances and necessity of the case. He had endeavoured to state his amendment almost in the very form of his majesty's declarations. The hon. gentlemen on the other side of the House were of opinion, that in no case the form of government in another country ought to be considered as having any influence on the security, of a treaty but that we ought only to look to the terms and conditions of the treaty, without regarding the power, the authority, the character, the nature, and circumstances, of the government that made it, or the state of that government. To that doctrine, however, he could never assent. He must contend, that every nation at war with another, ought not to treat for peace with the government that could not give security. He was not ready therefore, to treat with the present government of France; nor with any government, under any circumstances, or at any time, but such as should appear capable of maintaining the accustomed forms of peace and amity with other nations.

That the situation of France, since the commencement of the present war, had been such, that there did not exist in that country a government capable of maintaining with other nations the accustomed relations he had stated;—that it was in a situation in which no security that could be given to a peace, made it preferable to the continuing of a difficult and hazardous war, was a proposition which he was perfectly prepared to maintain. It was a proposition that had been maintained again and again in that House, and by some of the gentlemen who now seemed to think that treaty ought to be attempted. He conceived as it appeared on the face of the argument of that day, that the hon. mover and others could not expect any considerable part of the House to agree with them, either in their principles or their conclusions. They set out with observing that the war was not a war originating in aggression on the part of France, and that we had not that proof of the hostile intentions of France towards this country, which would demonstrate that the war was just and necessary in its origin. It had, as he had just observed that day, been denied that the war commenced by aggression, on the part of France; but that in fact it had originated with this country. To such an assertion neither he, nor those who had acted with him, could accede, without sacrificing every principle upon which they had hitherto called for and received the zealous and uniform support of the country. But that was not all. The honourable mover, and those who supported him, must contend, that throughout the whole of the French revolution, from the very commencement of it, during the reigns of the two tyrants, Brissot and Robespierre, as well as under the present system of moderatism, there was no one period in what was falsely termed the republican government, even in the most bloody part of the reign of Robespierre, when there was no one pause of anarchy and confusion even when that government was supported by terror, and declared to be supported by enthusiasm, at the moment when the sys-

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tem of terror was working its own destruction—there was no one period in which the government of France did not possess sufficient stability or authority founded on a permanent basis, in which it did not possess a sufficient community of interest with the people, a sufficient interest in the hearts of the people, a sufficient guard for its own engagements, sufficient power, sufficient moderation of sentiment, to afford this country a rational prospect of security.

From the beginning of the war to that moment, supposing the terms of peace could be settled, we were not, according to the hon. mover, and those who agreed with him, to consider our security as affected by the internal situation of France. The House had not said so; the House had said directly the reverse; and he hoped the House would say the same thing again. Every man in the House and in the country, must be satisfied that, in the termination of every war, there were two objects, reparation and security; but the great object was security. Reparation was only an auxiliary, only a subordinate object. Would any man tell him that a nation like France, put into a situation perfectly new, into a situation directly the reverse of all the existing governments on earth, destroying the foundations and the bonds of all political society, breaking down the distinction of all ranks, and subverting the security of property: a government pretending to put a whole nation into a situation of pretended equality, an equality contrary to the physical equality of men—would any man tell him, that we ought to make peace with a government constructed upon such principles, which had attempted, by every means in its power, to molest its neighbours, to impoverish and distress itself: to propagate its pernicious principles; to make converts; and to hold out the means of seducing other nations; and that had followed that up by open and direct acts of aggression, by a positive violation of treaties; and, lastly, by an open declaration of war? This country scrupulously and religiously observed a neutrality, while it could hope, or have a reasonable prospect, that the mischiefs of the French revolution would be confined within their own territories. We remained passive spectators of the conduct of France, until the very moment that we, against our will, were forced into the contest. And would any man say that it was rational, under any circumstances, to attempt to negociate a peace without taking into consideration the idea of security, the attainment of which, as already observed, was the great and primary object of every war? The whole question was narrowed to a single and a plain point; war being at all times one of the greatest of human evils, and never to be tolerated on any other grounds than that the evils of war were less painful, upon the whole, than the dangers attending an insecure and dishonourable peace. The whole question, from time to time, since the commencement of hostilities, resolved itself into a comparison of these two evils. They must not impiously imagine they could explore the secrets of Providence, and define the precise point to which the fortune of war might compel them; that would be to arrogate more than belongs to human wisdom, and, like other presumptions, must terminate in error and disappointment. They must proceed on general principles, which he could fairly describe. For the application arising from the circumstances, he must refer to the wisdom of parliament. The general principle he had stated was, that they ought not to regard the particular form of the government, but to look to the whole, to all the circumstances, whether it was or was not a government that could give them a reasonable degree of security.

The immediate question between the hon. mover and him was, whether the present circumstances of the internal state and government of France did or did not afford a prospect of sufficient security for a peace, so as to make it wise on the part of this country to negociate it? That was a question of infinite importance. It was, whether the government of France was such, at that moment, as to hold out that degree of reasonable security from any treaty of peace which might be concluded, as to make it, under all the present circumstances, preferable to the vigorous prosecution of the war? What did they naturally look to in the state of any country, but to the manner in which they performed their engagements! They looked to their stability—to their apparent authority—and to the reliance they could place in their pacific dispositions. He would not dwell on these circumstances. Let them recollect what had been generated under that system, and those principles that were now prevalent in France. They had seen them producing and exhibiting, hitherto, not a government, but a

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succession and series of revolutions, for that was the proper situation in which France had stood since the commencement of the present war. The terror of this revolution had been suspended a little more than six months. They had seen the reign and fall of Brissot; they had seen the reign and fall of Robespierre; and they now saw the prevalence of a system that was called moderatism. They had to recollect that gentlemen on the other side of the House held out to them the same sort of arguments for entering into a treaty with France, almost on the extinction of these two tyrants. Arguments were then produced of the stability of the government; and they now saw what was the ground of security, and how much they ought to depend on such arguments. But he did not wish to rest the question solely on the ground of so many successive changes, but whether the manner in which they had cried up the sovereignty of the people, whether the manner in which the pride and passions of the populace had been erected into the criterion and rule of government, afforded any rational ground of security to any peace that could possiby be made. If that was not so, what were the particular grounds of permanence now existing in France, that ought to give us dependence on its stability more than formerly, in the time of Brissot and Robespierre? The mere question of moderatism would not be sufficient for that purpose. Though there was some relaxation of the severity and terror of former times, that would not be sufficient. It was a moderation which arose only from comparison. The system of revolutionary tribunals was not varied. That great leading article, on which the happiness of the people so materially depended, was not essentially varied, whatever it might be in mode or degree. He said he would not tire the House on that subject, but examine what were the leading points to which they ought to turn their attention. Some of them had been enumerated by a noble friend of his (lord Mornington) at the beginning of last session, with a force of language and of argument which had made too strong an impression upon the minds of those who heard him to be readily forgotten. He had then most clearly showed the influence of public opinion, as unfavourable to the permanence of the government, and paving the way for its destruction. He said he mentioned this for the purpose of showing, that when the power of Robespierre was at its height, it was understood, by the other side of the House, as a powerful argument of the great stability of the government. That tyrant possessed the greatest degree of power and terror that ever existed; whereas the present rulers of France, being disarmed of that force, had only the chance of being supported by the opinion of the people. Look at the manner in which the revenue was at present collected in France. Did the present government recommend itself by the greater moderation of the means it used? Within a little more than a year and a half, the confiscations that took place in that devoted country, and which were the resources of the present government, exceeded three hundred millions sterling! That was the amount of the confiscations from May 1793, to the month of May last. And these confiscations were founded on what? —Upon that which would be looked upon by a British House of Commons, and by this country in general, with horror. That immense sum did not arise from seizing the fortunes of exiled nobles and emigrants, but from confiscations made long after. They had seized as forfeitures the property of all persons who remained in the country, but who were possessed of landed estates, and had shown the smallest dislike to the revolution. Having exiled the whole nobility and great landed proprietors in the course of a year and a half, they had, after that, collected that great sum. Whether the charge of guilt, upon which that confiscation had been grounded, had been falsely or truly applied, it equally made for his argument. In one view, it furnished the strongest proof of oppression in consequence of the system of terror; and if it was considered in another view, it was an incontestible proof of the division of the sentiments of the people of France, which contradicted the observations of the hon. mover, who talked in such strong terms of that united people, although three hundred millions sterling were wrested from those persons who did not admire the principles of the revolution. Taken in the other view, it might be considered as the fruits of the bloody massacres that took place under the dominion of Robespierre. It would appear then, what weight was due to the assertion, that all the French were united in one cause, when the great resources by which they had been able to carry on the war, had been derived almost entirely from the fund

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of confiscation and proscription, and had been the fruits and harvest of the bloody massacres which had marked the different periods of their revolution, and consisted of that system, on their professed detestation of which they built their power, and by the destruction of which alone, they attempted to support it and acquire the confidence, affection, and good-will of the country. If these had hitherto formed its principal resources, in renouncing the system of Robespierre, the present government had crippled their power of action, and deprived themselves of the means of exertion.

Mr. Pitt next called the attention of the House to the state of the agriculture and commerce of France. He said he wished to describe the present state of the agriculture and commerce of that country, not from any reports which the honourable mover might suppose had come to his hands from those who were friendly to him: his reporters were certainly not persons immediately dependent on him, or those who had any good-will towards him. They were the members of the National Convention of France, who made reports to that assembly from the several committees. According to those reports, their agriculture was extinguished; their commerce annihilated. That was the situation in which France stood. They had declared they were willing to re-animate commerce: but the present actual situation of the country was such as he had described. See whether, in fact, they had afforded any relief to commerce, and to the agriculture of the country, and whether they had any just title to the love and affection of the bulk of the people.

He next adverted to the state of justice in the country. All sanguinary cruelties had been committed through the medium of revolutionary tribunals: and though they were less cruel under the present government, they were only so by comparison with the former system, properly denominated the system of terror. He desired the House to look at the state of religion in France, and asked them if they would willingly treat with a nation of atheists. He did not wish to consider them in that point of view. God forbid, that we should look on the body of the people of France, as atheists, whatever might be the case with some individuals! It was not possible that a whole nation, in so short a time, should have renounced the religion of their fathers, forgotten all the principles in which they had been educated, extinguished the feelings of nature, and subdued the workings of conscience. To the larger proportion of the mass, there could not be a heavier burthen than to be deprived of the exercise of that religion, and to be deprived of it in a country that called itself a land of liberty, and which set out on the principles of toleration, in a country which supposed itself to enjoy more than human liberty; and yet, under the present moderate government, he believed a proposition had been made, to solemnize the Christian religion; when the convention passed to the order of the day, proposing forthwith to establish a plan of decadal pagan festivals, and accompanied by a declaration, that all the priests should be detained in prison till that new religion was established. Although the present convention of France profess to have renounced the crimes and cruelties of their predecessors, yet, since they had been in a state of pure innocence, had there been more apparent unanimity among those in whom the present government subsisted? On the contrary, there never had been stronger instances of opposition, distraction, and confusion. They were continually recriminating on each other the guilt of those very cruelties he had been stating. Did he say then that the present system of government in France must necessarily fall? He said no such thing. Did he then say that the present rulers of France might not extricate themselves in some degree from that abuse, and follow a more just and prudent line; and that they might not gradually draw a veil over former severities, by which, if they could not gain the good opinion and confidence of others, they might at least obtain their acquiescence? They certainly might. Had that time arrived? Undoubtedly it had not. But if such a change should take place, and such an order of things should arrive, through whatever road, and by whatever means, if they gave to their government that stability and that authority which might afford grounds, not of certainty, but of moral probability (by which human affairs must be conducted) that we might treat for peace with security, then would be the proper time to negociate; but we ought in prudence to wait the return of such circumstances as would afford us a probability of treating with success.

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Supposing, however, that he did not look to the chance of a change, the next thing was, what assurance had we of the pacific disposition of the present National Convention of France toward this country? We had reason, founded on probability, to infer that they entertained a spirit of hostility to all regular governments, and most of all to the government of Great Britain. If they had any reason to believe that the convention of France were disposed to peace, must he not infer that they were disposed to it, because they thought it would most probably tend to their advantage, and to our ruin? Till there was satisfactory evidence that their spirit of hostility to other nations was destroyed, he saw probable ground, in the very nature of their system, that they must persevere in that hostility, till they ceased to act upon it. They looked upon their own government as the only lawful government in the world, and regarded the governments of all other nations as usurpation. Such was the ground on which they had undertaken the war. Did France make any professions of peace, or did she show any dispositions for peace, but as she felt herself wearied of the war, and as she found herself involved in difficulties? The National Convention had said plainly they desired a partial peace, because so extensive a war they found themselves unequal to prosecute. They had professed they desired peace with some of the powers, in order to ruin more securely those against whom they wished still to carry on the war; and he might add, afterwards to ruin those with whom now they professed to be willing to treat for peace. They would make a distinction in making peace. Their moderation was reserved for Holland, their vindictive principles for Great Britain. Could such dispositions either give security to peace, or render it of long continuance.

It had been stated, that the decree of the 19th of November had been repealed, and that therefore the French no longer aspired at interfering with the internal government of other countries. In April 1793, they had enacted something on the subject of peace. They enacted that the penalty of death should be inflicted on any person who should propose peace with any country, unless that country acknowledged the French republic, one and indivisible, founded on the principles of liberty and equality. They were not merely satisfied with a partial acknowledgment *de facto*; they required an acknowledgment *de jure*. He wished to know, if these principles were once recognized as the legitimate foundation of government, whether they would not be universal in their application? Could these principles be excluded from other nations? And if they could not, would they not amount to a confession of the usurpation and injustice of every other government? If they were to treat for peace with France, they knew one of the things that must be preparatory to it, and that was, that they would acknowledge what they had hitherto denied. They must acknowledge those principles which condemned the usurpation of all the other governments, and denied the very power they were exercising. Such was the preliminary that must precede a proposal to treat; and what next would happen if peace was obtained?—Leaving out all consideration of the terms of it, which might be expected to be high in proportion to their acquisition of territory. Did they look at the situation in which they would lay open this country to all the emissaries of France? In proportion to the success of France, those principles had grown more bold in this, and in every other country. They had increased in activity and means of resistance. Were they to give up those safeguards which had been lately thrown round the constitution; and were they to follow the advice of the other side of the House by having recourse to the universal loyalty of the people of England? Did gentlemen think that we ran no risk of serious internal dangers by reviving and rekindling the embers of that faction in this country, which the other side of the House had supposed were now totally extinguished? Peace obtained under such circumstances, could not be stated with confidence as to its permanence, and therefore, if it were to be obtained, we must remain in a state of vigilant jealousy and never-ceasing suspicion. In that state, what sort of peace could we enjoy?—Could such a state possibly be preferable to war?—Would they not then give up those advantages they enjoyed? Were the country to disarm, few, he supposed, would be inclined to approve of that alternative; on the other hand, they could not remain armed without giving up, in a certain degree, that pitch of force, to which they had brought the

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exertions of the country, and retaining an establishment burthensome to peace, and ineffectual to war. It was impossible for any human being, in the present circumstances, to suppose a state of settled peace; it must be a state of watching each other, of inquietude, of distrust, merely a short truce, a state of partial inactivity and interrupted repose. In such a peace there could be no security; it was exposed to so much hazard, doubt, and danger, that no man could possibly look to it, except the exhausted state of our resources was such as to exclude the possibility of further exertion. The question was not the option between peace and war, but the option of war under considerable difficulties, with great means and resources, or peace without security.

He said he should be ashamed to go over the means of our resources; but as that object had been touched on by the hon. gentleman who had introduced the question, he must say a few words on the relative situation of the two countries. The foundation of the argument of the hon. mover was, that the resources of France, were of so extraordinary a nature that they were such as the other nations of Europe could not bear, but France, having borne them for so many years, could do that which other nations could not do—and that they were therefore bound to suppose that the resources of France were superior to those of this country which had expended so many millions without having had any effect on the revenue, commerce, and manufactures of the country, without means that were equal to the pressure sustained in other wars where this country had carried them on successfully. The hon. gentleman who swept off millions from the expenditure of France, had added them with as rude an hand to the account of this country; he had said, if we were to make peace at that moment, the expense would be seventy millions sterling, and the extra expenses would be calculated moderately at fifty millions sterling. How much the hon. gentleman allowed for winding up expenses he knew not, but they were certainly large. Without taking in the expenses of the present year of 220,000 men, including the regular army, and militia, and the vote of 100,000 seamen, to the best of his recollection,—taking the expenses of the year 1793 and of 1794 up to the end of last December, the sum was about twenty five millions sterling, and there was a capital to be created, of somewhat more than thirty millions. This point was not very closely connected with the question, but he had corrected the statement of the hon. gentleman who wished to show we were no longer able to carry on the war, though he could not prove the least defalcation in the revenue of the country, or a diminution of the public credit. To what was that sum to be opposed on the part of France? To 260 millions sterling, which that country had expended during the last two years. Would any man say that France could afford to spend 260 millions sterling, of which the inhabitants had been plundered better than Great Britain? That immense sum had been collected in France by force and terror, and had been attended by effects admitted by themselves to produce the desolation of the interior of the country, the extinction of agriculture, the ruin of their resources, the subversion of all the means of profitable industry, and the annihilation of every branch of commerce, besides the collateral circumstance of the system of assignats, which he had mentioned on a former day. He said, on a former day he had made the expenses of the French republic amount to 480 millions sterling, which the hon. gentleman who had made the motion said was exaggerated by 120 millions. But the hon. gentleman had begun his calculations two years later than he, which was the reason of that difference. The assignats, which were formerly near par, were now about 85 per cent. below it. That the House might not mistake him, they were not worth 85*l.* per cent. but only 15*l.* per cent. And therefore he repeated his former assertion, that there was a rapid and a progressive decay in the internal resources of France. It had been stated, that he had year after year represented the resources of France to be in a rapid state of decline. The first year of the war cost France 160 millions which produced a rapid and progressive decay in the state of their finances; and was there any thing ridiculous in supposing those resources to be still in a progressive state of decay, after they had expended, during the last campaign, another 160 millions sterling?

The hon. gentleman who seconded the motion, in the longest simile he had ever heard, observed that the resources of America were declining for three years

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together. But would any man say that the features of that war bore any resemblance to those of the present, which marked the calamities of France? It had been observed that the French were making great exertions, and that therefore it was unjust to say their resources were at all decayed. But the question was, whether those great exertions ought not to be considered as a proof of the decay of the resources of the country? Would any man tell him that the internal state of the country would not be affected by a continued and extraordinary supply of the nerves and sinews of war? The hon. gentleman who made the motion, had stated that the French had extended their conquests from Gibraltar to the Baltic. But no brilliant success no acquisition of territory was sufficient to compensate this internal decay of resources. The wide difference in point of resources, was as important to the fate of empires and the lot of kingdoms, as new conquest; and the balance there was as much in our favour, as the acquisition of territory was against other countries, and in favour of France.

There were many other points on which he wished to touch, but would not discuss them at length. One or two observations he could not help stating. It had been asked, what force had we to oppose to that of France? He answered, an increased force on the part of this country. The convention had said that their forces must be contracted: their efforts must therefore be exhausted. Besides the exertions by sea and land which had been made by this country, it would probably depend on the resolution and firmness of that House, whether the emperor might not be enabled to bring such a military force into the field, as would render an extent of exertion necessary on the part of France, of which they had declared themselves incapable. It was said, do you expect to conquer France? Do you expect a counter-revolution? When do you intend to march to Paris? If such was at one time our success in France, that the convention were put in imminent fear of the combined armies penetrating to Paris, it was not very extraordinary that his hon. friend (Mr. Jenkinson) at London should allow himself to entertain a degree of hope of the possibility of that event. By a mode of arguing, not unusual with gentlemen on the other side, whose practice it frequently was, first to state positions in order that they afterwards might combat them, ministers had been charged with looking to the conquest of France. They had never held out any such object; they had only professed their hope of making such an impression upon the interior of that country as might lead to a secure and stable peace; and of being able, by the assistance of those well-disposed persons who were enemies to the present system, to establish a government honourable to them and safe to ourselves. If a change had taken place in the government of France, which rendered it more expedient for us to treat in the present than at a former period, he would ask, if nothing had been gained? We were now in a situation less remote from that in which we might be able to treat with security. It had been urged, that we ought to have let France alone. What was the consequence of neutrality but to produce aggression? But now that war had been two years carried on, the detestable system of their government had subsided into a state of less flagrant atrocity. It had been said that all France, to a man, was united for a republic. What was meant by the phrase of a republic? Was it merely a name at the top of a sheet of paper? Was their desire of a republic to be gathered from their submission to the tyranny of Robespierre? Was their unanimity to be inferred from the numerous proscriptions and massacres of federalists and royalists?

Mr. Pitt proceeded to recapitulate the general grounds on which he had opposed the original resolution, and the motives from which he had been induced to bring forward the amendment, which he had read, and should conclude with moving Peace! Peace was not obstructed by any form of government; but by a consideration of the internal circumstances of France. He remarked that there had been great misconstructions and misconceptions with respect to what he had stated on former occasions to be his sentiments, as to the re-establishment of monarchy, which he by no means wished to be considered as a *sine qua non* to the attainment of peace, and therefore he had not contented himself with barely negativing the resolution, but had been induced in the amendment to substitute that language which, in his mind it became parliament to hold, as best adapted to the subject.

There was one other consideration to which he should advert, namely, the re-

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mark that the attempt to treat, though not likely to be successful, would yet be attended with advantage, both in France and this country. In France it would show that we were disposed to treat. If it were wise to treat, this certainly would be an advantage, but such a conduct, instead of forwarding peace, would only be productive of danger, it would lead to a proposition of terms from France, elated by its recent acquisitions, which it would be impossible for this country to accept. And he trusted that his hon. friend (Mr. Wilberforce), who had, he conceived, gone too far in his propositions with respect to peace on a former occasion, would be convinced, upon his own principles, that, as the difficulty increased, any proposition to treat in the present moment would have the effect to encourage the enemy, and to bury the remains of opposition in France. In this country it would have the effect to sink the spirit of the people and to tell them that it was right to look for peace, though it was impossible to look for security; it would be to insinuate a doubt of their zeal, energy, and courage, and to add to the depression already produced by a succession of misfortunes and a series of misrepresentations. The hon. gentleman had said, that if his proposition to treat should not in the event be successful, he would then support the war. Upon what ground could he support a war, which he had in the first instance conceived and declared to be neither necessary nor just? But till the period should arrive at which it would be possible to treat, with a rational prospect of security, and a degree of, at least, probable advantage, he, and those who thought with him, must continue to support a war, of the justice and necessity of which, they were firmly persuaded, and which they could not, in the present moment, abandon without a sacrifice of their opinion, their consistency, and their honour.—Mr. Pitt then moved, by way of Amendment, to leave out from the first word "That," to the end of the question in order to insert these words, "under the present circumstances, this House feels itself called upon to declare its determination firmly and steadily to support his majesty in the vigorous prosecution of the present just and necessary war, as affording, at this time, the only reasonable expectation of permanent security and peace to this country; and that for the attainment of these objects, this House relies with equal confidence on his majesty's intention to employ vigorously the force and resources of the country in support of its essential interests; and on the desire, uniformly manifested by his majesty, to effect a pacification on just and honourable grounds with any government in France, under whatever form, which shall appear capable of maintaining the accustomed relations of peace and amity with other countries," instead thereof.

Sir *William Young* seconded the amendment, which he applauded as affording an opportunity of getting rid of a proposition that he could neither approve nor would have chosen to negative. The French armies, he said, had been hitherto collected by terror, and, as they had now disarmed themselves of that weapon, they could not collect such armies in future. He was always for a declaration such as the amendment contained, and lamented that it had not been made sooner. There could be no analogy between the American war, a war with our own subjects, and the present. The French, who went to assist the Americans, had brought back with them all the principles of the anarchy which they afterwards introduced into their own country. The war, he admitted had been calamitous; but we must not, on that account, think of sacrificing our honour.

Mr. *T. W. Coke* declared himself an advocate for peace, let the proposition come from whom, or in what shape it might. Every man in the country, he believed to be so, except the immediate dependents of ministers, contractors and jobbers, who profitted by the war. For the difficulty of obtaining it the House had only the minister's assertion. The people had been deluded into an approbation of the war in the first instance, but had at length seen their error. The experiment of trying to obtain peace could do no harm, and might do much good. If it should fail, the heart and hand of every Englishman would be united for a vigorous prosecution of the war. Any proposition tending to accelerate peace, should have his support, without regard to personal attachments. How great his attachment was to a right hon. gentleman (Mr. Fox) whose counsels if followed, would have saved the country from the loss and disgrace in which it had been involved, he had no need to state. Of that illustrious statesmen, the manly mind and unrivalled talents were known to the House and to the public, and

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were rendered still more conspicuous by his disinterested conduct, in times of general corruption. The day, he was persuaded, was not far distant, when he would be called upon by the public voice, to save the nation from the calamities which the misconduct of others threatened to bring upon it.

Mr. *Yorke* said, that the hon. mover of the present question had contended, that the existing government of France ought not to hinder our negociation for peace. Two questions naturally arose out of this: first, whether any peace made with France, in the present posture of affairs, could give us hopes of its duration? second, whether in our overtures for peace we were likely to be successful? The hon. gentleman was not a greater advocate for peace than he was; but he should give his vote for the amendment; because he not only thought the war just and necessary, but the most so of any war that we were ever engaged in. The people conceived its object to be the restoration of monarchy in France; whereas, its sole object was security, and the bringing the French to their right senses. The present system of France aimed at the dissolution of all foreign powers. No security could be then had with such a government. How great the infatuation to suppose that Europe could look tamely on, and let such a state flourish to their own dissolution! If we looked at the reduced state of the internal affairs of the French we should find them on the brink of ruin. Let us take care then that by such a vote we did not furnish France with resources for another campaign, by increasing the value of their assignats? Would any one say, that at some future time, this revolutionary government might not, did we accede to any pacific accommodations, seize the opportunity when our fleets and ships were scattered abroad again, to begin hostilities. The French Republic was a military state; and unless we counteracted and crushed this monster, by a grand alliance, he feared it would over-run all Europe. With such a vast revenue, such a powerful navy, and resources of all kinds, ought we to adopt the expedient of suing for peace? Let us compare the consequences of the present war, with those of the American war. Had any of our territories been captured? Was our trade injured? In the present struggle, we might rely with confidence on our powerful navy and brave soldiers; and the contest would he doubted not, in the end, be crowned with success.

Mr. *Powys* said, that all the arguments had been so entirely exhausted by the chancellor of the exchequer, that he rose, not to attempt repeating any of them, but to declare his opinion more explicitly than by a silent vote. They who had taken an active part in supporting the war at its commencement, ought not now to shrink from their former opinions, because the success had not been equal to their hopes. He complimented Mr. Grey on the extraordinary candour with which he had brought forward his motion; but said he was so dull as not to comprehend the definite meaning of the words, or the consequences expected from it, if it were to be adopted. The House had used no term so strong as, that the existence of the present government of France ought to preclude a negociation. Its existence was only an obstacle to negociation, although an obstacle in his opinion insurmountable at present. Gentlemen who talked of proposing peace, ought to state what terms of peace, if rejected by France, would unite every hand and heart in this country. He admitted that there was no near prospect of success; but that had always been the opinion of those who opposed the war, and wanted this country to join hands in amity with hands imbrued in the blood of their sovereign. The Dutch had attempted to negociate for peace, and while they were attempting it their country had been over-run. The loss of Holland he feared, was to be imputed to a mean and mercenary spirit of calculation. He insisted that the war was a contest for our existence as a nation, and that were our resources to fail, we must still continue it, although we should be able to do nothing but bite with our teeth.

Mr. *Wilberforce* said, that the debate had chiefly turned on two points; first, the general subject, whether the existence of the present form of government in France ought alone to preclude a peace with France if it could be effected on fair and honourable terms; and, secondly, whether it was for the interest of this country, under the present circumstances, to make peace, or continue the war? With regard to the first of these points, on reading the terms in which the motion of the hon. gentleman was expressed, he had been somewhat afraid lest it should be considered, as implying, that, provided it should pass, ministers would be obliged

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immediately to offer peace, or, at best, to accept it, if it were offered. This was a question on which the sense of parliament had been taken very lately; and for this reason, he rather wished that other terms of a more general description had been adopted. He should himself, therefore, move a resolution, not liable to the same objection, and which would be found to go precisely to the point on which it was stated that it was expedient now to declare the opinion of the House. He then read his motion, which was, "That the existence of any particular form of government in France, ought not to preclude such a peace between the two countries, as, both in itself, and in the manner of effecting it, should be otherwise consistent with the safety, honour, and interests of Great Britain."—Whatever differences of opinion had been expressed during the present debate, he congratulated the House and the country, however, that there appeared a general concurrence in one particular, namely, that it was expedient that the House should come to a solemn declaration, that the existence of any particular form of government ought not alone to preclude a peace, which should be otherwise safe and honourable. The same reasons which rendered it proper to make any such declaration at all, reasons grounded on the effects it was likely to produce both in France and in England, rendered it equally necessary that it should be expressed in the clearest and most explicit terms. He could not say that the amendment met his wishes in this particular. In the first place, there was something a little indefinite in the terms "such a government as should be capable of maintaining the relations of amity and peace." It was a charge we had always made against a French republic, that in its case we could not possess that security for the continuance of peace and amity, which we possessed in the case of ordinary governments. This opinion he did not mean now to retract; and if not, whilst our general terms implied that we might make peace with a French republic, the conditions with which they were coupled virtually did away most of their effect. If, when a doubt was thus thrown upon the real amount of the concession now made, we were to have recourse for its solution to the arguments and the language of those by whom the concession was made, we should come to no very satisfactory conclusion; both the one and the other proceeding upon the ground of the necessity of our effecting a complete change of the whole system of government in France; but farther than this, the motion professed to speak exactly the same language as had been always held, and to mean nothing more than what his majesty had uniformly expressed since the commencement of the war. Now, it was undeniable that, whether rightly or wrongly, with reason or without, his majesty's meaning had been understood to be different from that which the present motion was designed to convey, and it was even for the avowed purpose of removing prejudices which were acknowledged to have greatly prevailed, that his hon. friend's motion was now brought forward. He would not go at large into the causes from which these opinions concerning the intentions of government, in respect to the object of the war, had proceeded: he must notice, however, one or two particulars. In his majesty's declaration, of October 1793, it was stated, "That he felt additional satisfaction from the hope of finding in the other powers engaged with him in the common cause, sentiments and views perfectly conformable to his own." The same declaration of conformity with our allies, was generally held forth in other places. It was therefore natural for any person in England, and still more in France, who should wish to judge of the intentions of Great Britain, to couple with her declaration of her intentions the manifestoes of the other combined powers. The text of ours was not so clear as not to require a comment. What sort of a comment did it receive from other manifestoes, issued by the powers in conjunction with whom we were acting; those, for instance, of the emigrant princes, of general Wurmser, and of the emperor, not to insist on those of the king of Prussia and the empress of Russia? Two of these went distinctly to the complete restitution of the old government; the third, not quite so far; but even that abolished almost every thing which had been established since the beginning of the revolution. These jarring declarations certainly rendered it desirable, if we meant now to say any thing which should clear up a point on which misconceptions had before prevailed, that the House should do it in such a manner as would perfectly answer the purpose: Mr. Wilberforce's words did, the other did not, come up to this description; it

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could not be contended that the latter were so perfectly clear, that they could not be misunderstood, because in fact they had been misunderstood. It was affirmed by ministers themselves, that they were the same words which had been used for the last two years; and it was also confessed, that they had been so misconstrued, as to render a farther explanation now necessary.

The motion, however, had been treated also as involving, to a considerable degree, the same question which had been agitated on the first night of the session; and here he should begin, by remarking, that his hon. friends forgot, throughout the whole of their reasonings on his arguments in favour of peace, that he had always declared that we were in a situation in which we had only a choice of evils: he did not now, nor did he before, contend, that peace, when effected, would be attended with so much comfort and security, as under the circumstances of ordinary governments; but the true question was, whether, all things considered, if it could be effected on fair terms, and in an honourable manner, it was not to be preferred to the continuance of the war? And still more, whether, if we continued the war, the country might not very probably be compelled hereafter to make a peace, liable to the same evils and dangers which were likely to result from this, but in fuller measure, and under worse circumstances. What was the great danger which had been stated as likely to follow from the making of peace? The mischiefs which would probably result from the endeavours of our enemies to foment our internal discontents. To this he would reply, that if we were now to make peace, we should do it whilst the minds of the mass of our people were in general quiet, and well-disposed to government; and as for the disaffected, the force which the country was capable of bringing into action, by the many volunteer corps which had been raised, would be sufficient to prevent any apprehensions; but if, from our continuing the war one or two years longer with but indifferent success, which must be considered as a case not altogether improbable, the bulk of the people should grow clamorous and discontented, then, indeed, we should be in a situation wherein we could neither be able to carry on war with sufficient vigour, nor to make peace with real security; there would be indeed reason to apprehend danger from the designs of factious and bad men operating on the minds of an irritated and oppressed multitude. But much stress had been laid on the humiliation of our now engaging in a negociation for peace; and here he must frankly confess he felt the force of his right hon. friend's appeal to him, on what had lately passed on the continent. Certainly, it was not a moment to attempt a peace, when an enemy was triumphant; but all Europe would know that the propositions for peace had been made in that House before any of the events alluded to had taken place; and he could not help adding, that perhaps if parliament meeting on the day on which it had been originally summoned, had afforded him the opportunity of making his motion at that period, and if the House had then agreed to it, the misfortunes which had since happened, might have been prevented. But with respect to the charge, that he was humiliating the country, he had never meant that we should send an ambassador to Paris to treat for peace; his idea was, that government should employ some proper person to intimate to the government of France, that, provided they were really disposed to make peace, on equitable and honourable terms, Great Britain would meet them half way. The great reason, why he thought we could now make peace without humiliation was, that we were evidently capable of making vigorous exertions in the prosecution of the war. His right hon. friend had argued strongly on the greater danger of making peace than continuing war. One grand reason why he could not be of this opinion was, that he thought a counter-revolution more likely to take place, if peace should be made, than during the continuance of war. He would assign a few of the reasons on which this persuasion was grounded. In the first place, we ought fairly to consider what effect was likely to be produced on the French nation by the attacks of foreign powers, who were believed to be endeavouring to force a government on them. This, on the general principles of human nature, must be likely to produce resistance in any people, but more particularly in the case of the French, who are certainly a high-spirited people. He would not go so far as to say that the operation of this principle had been such as to produce, in favour of their own system, any thing of a general enthusiasm throughout the country, the prevalence of which

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in France was sometimes asserted and sometimes denied; but there was reason to believe that it was, in no small degree, to be ascribed to that striking circumstance, that all the various armies of the republic in every quarter of that vast circumference which they lined, pressed out vigorously against the external enemy which was opposed to them; there were few or no desertions; and however people might be forced by terror to enter into the army, it was but too evident that when once entered, they were actuated by one common principle of sympathy. If, as there was good reason to believe, it was this powerful principle which kept the nation, and still more, which kept the armies united, when this should be no more, a principle of disunion and relaxation would be introduced. The capital was filled with conflicting factions; these would severally endeavour to draw bodies of the army to their side, and the most dangerous dissentions would probably ensue. He then referred to a pamphlet lately published by an intelligent and well-informed author, who stated, that from the best accounts he could obtain, the dispositions of the French might be thus described: they abhorred the emigrants; they detested the combined powers, because they believed these meant to force on them their old government; and next to these two, they hated the Convention. Now, was it not a clear consequence, from these facts, that so long as we continued the pressure of external war, in conjunction with the combined powers, and still more by employing regiments of emigrants, we prevented their hatred of the Convention from having any scope or operation; whereas if peace were made, these two more powerful hatreds would cease, and no longer counteracting the third, it would be left to produce its full effect.—He drew also some arguments for the probability of a counter-revolution, if peace should have been effected, from the statement of the present situation of France, which had been made by his right hon. friend. If commerce, if agriculture, were no more; if the administration of justice had ceased; if religion had been almost abolished; was a country, in such a state of things, likely to remain in a condition of internal tranquillity? He insisted, that the want of the religious principle would then be felt, in its effects on the civil and domestic happiness and tranquillity of the country. During the continuance of war also the nation, as was the case of every country, would be more patient under its sufferings, believing they were only temporary; but this by no means proved that they would quietly sit down under them in a state of peace.—He then argued concerning a system of moderation, and maintained that he had never contended in favour of the principle on which it was introduced, or of the motives of the persons by whom it was practised; but only that it was likely to prevent that co-operation from within against the French government, which we might otherwise have looked for, because it infused a hope of better days. So strong was his impression, that a counter-revolution was more likely to happen, if the compression of the external enemies of France should be withdrawn, than now when it was so much relaxed, he was not without very strong hopes of a material change in the government of that country. He begged also to remark, that if a counter revolution were to happen, without our active co-operation, it would be a very different thing to us from one which we had been the means of producing: in the latter case, he must fairly ask, would it not probably, however desirable in other views, pledge this country in honour to guarantee it? And might not this embroil us in French affairs for an indefinite period? He next adverted to an argument which had been used by an hon. friend of his (Mr. Yorke), who had strongly recommended them to consider what had been the uniform conduct of their ancestors in making and carrying on wars: the hon. gentleman particularly referred to the speech of king William in 1696, and to the determination then expressed by parliament, when the war had continued for eight years, to persevere in the contest in which they were engaged. Mr. Wilberforce declared, that it was his decided opinion that Great Britain, as well as every other nation, was too ready to enter into wars, and to carry them on too long, and he owned he thought that it was the true policy of this country to meddle with continental politics as little as possible. But it was not requisite to agree with him as to foreign politics, in order to admit the truth of the position he had laid down concerning wars. His opinions here were confirmed by Mr. Hume, in his Essay on the Balance of Power, who, writing in defence of it, and going much farther

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in support of this system than he was himself disposed to, observed, however, that "Our wars with France have been begun with justice, and even perhaps from necessity, but have always been too far pushed from obstinacy and passion. The same peace which was afterwards made at Ryswick in 1697, was offered so early as the year 1692; that concluded at Utrecht in 1712, might have been finished on as good conditions at Gertruytenberg in the year 1708; and we might have given at Frankfort, in 1743, the same terms which we were glad to accept of at Aix-la-Chapelle in the year 1748. Here then we see, that above half of our wars with France, and all our public debts, are owing more to our own impudent vehemence, than to the ambition of our neighbours. In the second place, we are so declared in our opposition to French power, and so alert in defence of our allies, that they always reckon upon our force as upon their own; and expecting to carry on war at our expense, refuse all reasonable terms of accommodation. In the third place, we are such true combatants, that when once engaged, we lose all concerns for ourselves and our posterity, and consider only how we may best annoy the enemy." He begged leave to recommend the truths contained in the extracts he had just read, to the serious consideration of the House. He vindicated the consistency of himself and his friends, in having changed their line of conduct now that the circumstances of the case were so materially altered; it would rather have been inconsistent if, these being so extremely altered, their conduct had remained the same. He observed also upon the argument which had been again used, respecting the exhausted state of the French finances: surely, his right hon. friend did not think so well of the French government, as to conceive that they would issue assignats to no greater an amount than that of the value of the land for which they were issued! Here the argument of the American paper money must have great weight; like this, the assignats would be continually sinking in value; but so long as they had any value at all, they would be emitted. This subject of the assignats, viewed in another light, could not but tend to lessen their hopes of success in prosecuting the war, for the sake of effecting a counter-revolution. It was to be expected as a natural consequence of such an event, that assignats would lose their value, and therefore we could hardly expect any thing like a general co-operation to produce it, at a time when almost the whole property of the country was invested in this shape.—Mr. W. concluded with recapitulating the arguments he had urged in the beginning of his speech, to prove that his amendment ought to be adopted in preference to that of his right hon. friend, because it asserted, clearly and explicitly, that which it was the object of their coming to any parliamentary declaration at all to render clear and explicit; whereas, his right hon. friend's must be granted to be at least liable to misunderstanding, because, in fact, it had been actually misunderstood.

Mr. *Montagu* said that gentlemen should not be led away by rash conclusions: his right hon. friend had avowed his disposition for peace, if we could have it on terms of security. He had every reason to join with the minister in his present measures, since he had now removed his fears. In the midst of the victories and successes of the French, was not the proper time to call for peace. The strength of the French government was increased from the acquisition of Holland; and if England should now relax, she would give France an occasion of attacking her to advantage. He contended, that a counter-revolution was more likely to be effected by war than by peace.

Mr. *Fox* began by desiring the original motion and the two amendments to be read; and said, that before he proceeded to give his reason for preferring the original motion of his hon. friend, to that which had been proposed by Mr. Wilberforce, though the difference between them was not very essential, he must take notice of the amendment which had been so unexpectedly made by the chancellor of the exchequer. He said unexpectedly made; because, when the motion of his hon. friend was originally announced, the terms of it even were settled; for his hon. friend, with more candour than prudence, had stated the precise words upon which they were to come to issue. The right hon. gentleman pledged himself to come to issue upon these words: but, however, he did not now feel so bold as he did three weeks ago; he did not choose to meet the question directly. In his conscience, the right hon. gentleman

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had said, he believed the majority of the people were still for the war. This was his declaration: but the House and the public would infer from his conduct, that he had not very great confidence in the truth of his own declaration; for, instead of meeting the question, which he had pledged himself to do, he had proposed an amendment, by which he was to avoid a direct decision on it. In his speech, indeed, he still denied the proposition of his hon. friend. Then, why not fairly and openly negative it by a vote? After which, if he wished for a declaration, he might have moved his own amendment, as a specific question. He took this course, he said, to avoid misrepresentation; and but for his desire of avoiding a misrepresentation which he had never incurred, he would have negatived the original question; when on the other side, the hon. seconder of the amendment confessed, that, but for that amendment, he would have voted for the original question. What, then, was the true meaning and intention of all this petty warfare, but that the amendment was designed to evade the great and material question, upon which the right hon. gentleman stood committed, and to delude the House by a little temporary concession which meant nothing? Already the matter was loaded with contradictions; the mover and the seconder were at variance; the one affirmed, the other denied, and the whole was done merely to draw us from the clear specific question, that had been for so many days in the contemplation of the House. The right hon. gentleman was undoubtedly a man of superior talents; but those talents being directed to delusion and quibbling, rather than to what was grand, manly, and open, he did not show himself possessed of a mind equal to the circumstances in which he found himself. Instead of meeting the exigency of our present situation with measures proportioned to our critical condition, he seemed only anxious, by a little evasive management for the day, to gain over a few votes of irresolute members, as if a few votes more or less could alter the eternal nature of truth and falsehood, or to baffle a few petitions that might be coming to parliament, as if by lulling a few individuals into a continuance of their apathy for a time, he could extricate the nation from the deplorable situation into which he had plunged it. These were not the resources of a great mind; this was not the conduct of a statesman in a moment like the present; it was as false to himself in policy, as it was unworthy of the occasion; for it could serve only to deaden the feelings of mankind for the day, and would collect the public indignation to burst upon him with greater force when the moment of delusion was past.

As to the amendment itself, which the right hon. gentleman had moved, though he disliked it in many particulars, yet in some things he did not dislike it. In so far as it stated, that there was nothing in the present form of the government of France, which prevented our negociating with them, he must approve of the proposition. He had moved an amendment both this year and the last, to the same effect. Little did he think when he was making such proposition that he was only speaking the sentiments of his majesty's ministers. But these ministers, it seemed, were the victims of misrepresentation. So powerful, it appeared, was the opposition, so full of wealth, and so invested with the influence of bribes, places, pensions, jobs, contracts, and emoluments of every kind, and so much had they the means of circulating newspapers, that they had it in their power successfully to misrepresent his majesty's ministers, and to mislead and delude the public, so as effectually to taint and abuse the public mind, and to make them the unhappy objects of their misrepresentation. Now what had they done? They had for two years successively moved an amendment to the address to his majesty on the first day of the session of parliament, that there was nothing in the form of the government of France that ought to prevent this country from negociating with them for peace, and for this they had been called the advocates of France, Jacobins, republicans, the enemies of their king and country, who were desirous to lower the British government and prostrate it at the feet of France, to introduce French anarchy into England, and even to destroy the constitution of England, and to bring his majesty to the block. Now, however, all this was over, and it was found, though they did not know it, that in reality they were speaking only the sentiments of ministers. We were now come to a crisis when all this shuffling would be found unavailing, when these delusions would no longer succeed; their own contradiction was a good omen

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for the country; it proved that the unfortunate speech of his majesty at the opening of the session had made a serious impression on the public mind; and the right hon. gentleman therefore found, that he must soften and lower his language; he must now attempt to do away the effects of that absurd, impolitic, and he might say diabolical speech which he had put into the mouth of his majesty, in which our gracious sovereign had been made to stand between heaven and the happiness of mankind; had been made to pronounce the doom of millions, and to declare an almost eternal war, for no possible purpose of rational benefit to his species; and that, too, when all the other princes of Europe, awakened from the delusion into which they had been equally led by their ministers, had seen their error, and had manifested their disposition to peace.

He desired to know what was the meaning of the right hon. gentleman's present conduct? Was he to understand that the right hon. gentleman meant to negative the proposition of his hon. friend? If he meant to negative it, why not do so by a vote? Mr. Fox said, he knew that the present administration was composed of various and discordant characters. He did not know whether they all agreed in the present proposition; it would soon be seen whether they did so or not; but he could say that it would not redound much to their honour. If he were to describe it he should say, it went far enough to disgrace the new colleagues of the right hon. gentleman, but not far enough to restore to him the confidence of the country. On the argument that had been used upon the occasion, he should have little to say. There had been so much novelty in the right hon. gentleman's conduct that day, that he had not thought it necessary to introduce any novelty into his reasoning. The same trite, hackneyed, and refuted arguments, with which they had been fatigued so often, were again renewed. France was declining fast in her resources, and this was a matter of rejoicing to England! How long were they to go on rejoicing in this decline? Their assignats were at a discount; there were a number of royalists; and much ridicule was thrown upon a simile of an hon. gentleman, who had truly said, that all the same nonsense had been talked during the American war. But it seemed we had been successful in France. The various revolutions that had been produced in France had been effectuated through our means. This was a most singular argument, and went perhaps farther than the right hon. gentleman intended; for it so happened that those revolutions had been good or bad, in proportion as we had been beaten or prosperous. Whenever we had made the slightest impression upon France, or had the appearance of temporary good fortune, it was sure to be followed by, and perhaps to have produced, some dreadful revolution, accomplished by the horrors of massacre and devastation. But, on the contrary, whenever we had been defeated and forced to fly from the territory of France, they had never failed to subside into a comparative tranquillity, and to have their internal condition meliorated. The argument of the right hon. gentleman was, therefore, that if they would permit him to go on in a system of disasters and defeats, it was incalculable what good it might do in France. Thus, when the duke of Brunswick had penetrated to within sixty miles of Paris, there happened the revolution fatal to the monarchy, of the 10th of August. When we were in the possession of Toulon, there happened the shocking and diabolical massacres at Lyons: but no sooner had we evacuated the place, then they began to make atonement for the scandalous devastations. Immediately after the battle of Fleurus, there happened the fall of Robespierre; and certainly it was true, that in proportion as we had been discomfited and driven from the French territory, whenever the French felt themselves relieved from our attack, they had exerted themselves for their own deliverance from internal tyranny; and nothing could be more natural than this; for, animated by the enthusiasm of the cause of liberty, when attacked, as they were, they gave up every consideration, but that of preserving their independence: but when relieved from this fear, they had as constantly rid themselves of their domestic tyrant.

It was said that ministers never had proposed to themselves the conquest of France. The conquest of France never was imputed to them; it was only said that they had proposed to themselves an object, which nothing but the conquest of France could obtain. He had long ago stated his opinion on the extravagance of that proposition, and his sentiments were

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in print. Surely any man who ever did flatter himself with the possibility of making any impression on France must now be convinced of his error! A remarkable expression used in the course of the American war was most applicable to the present; it was said by a member of that House, so early as the year 1777 or 1778, that "he had looked at the American army every way; he had looked at their front, he had looked at their rear, he had looked at their flank, and he could not accommodate himself any where;" and yet after this opinion of a general officer, the war had been continued for four or five years. In the same manner, we might truly be said to have tried France; we had tried the East, the North, the South, and we could not accommodate ourselves any where. He hoped in God we should not continue the experiment, as we had done in the case of America. It was said, as an argument against the proposition of his hon. friend, that it would bind the hands of ministers in negociating. It would certainly be impossible for them, after such a resolution, to say to the persons holding the government of France, that they could not treat with them; but so far would that be from binding their hands, that it would remove an obstacle, and surely it could not prevent them from stipulating the terms of peace. In truth without this declaration, there would be an obstacle in the way of treating, since the persons holding the government of France knew, that it had been uniformly declared by our ministers, that they could not treat with them.

But the consistency of the House of Commons stood in the way! He thought that there might now be an end of such declamatory nonsense. In all questions of policy, nations must yield to imperious necessity; it would be obstinacy, and not honour, to persevere in an opinion, when you became convinced that it was wrong; it was plain that men might at first have thought the present war just and necessary who were now convinced of the contrary; and surely they would act more consistently with the rules of honour, to confess their errors the moment they were convinced of them. But there was nothing more curious than to hear the right hon. gentleman talk of the consistency of the House of Commons. What would become of his old steady friends, "existing circumstances?" In the case of Oczakow, he had not hesitated to retract without a blush, when he found the public opinion against him. He came forward and said, that our means were not equal to the object: why could not he therefore, now compare the object with the means? Surely the disasters that had happened, and the change in the present case, more than in the Russian armament, would justify him for retracting his opinion. He would do it with great advantage to himself, it would give vigour to England, and take it from France.

But why, it was said, should we be the first to negociate? It would be a humiliation, forsooth, to propose to treat because we were unsuccessful. Upon this principle, it was almost hopeless that we could ever treat; for could it be expected that the French government would be the first to propose to negociate when they knew that our ministers had twenty times said, that no possible peace could be made while they continued in power? Let Englishmen ask themselves what would be their feelings, if the same language had been used to us that we have used to the French? If, for instance, they had declared in the convention that they never would treat for peace with England until there should take place a reform in the government of England;—would not every Englishman die before he would submit to ask to negociate under such a declaration? Yet such a declaration we had made towards France. We must, therefore, do away the effect of our arrogant and impolitic expressions; and he had no hesitation in saying, what he believed in his heart, that if we took away that obstacle, we should have peace; or if not, we should fight them upon equal terms; we should take from them the cause of their enthusiasm; we should take from them that which aroused every national feeling, which had carried them to those unparalleled exertions that had astonished and confounded the world. They would then no longer feel that they had to fight to extremity, or that they were besieged in their own country, for daring to give to their own country such a government as they liked.

Did he propose to unman one ship? to disband one regiment? No, on the contrary his proposition was to add vigour to the country; and surely we should fight as well after we had made a declaration, that it was not our intention to reduce any people to slavery. Nor should we treat for peace upon worse terms, if we were to

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treat before we were reduced to extremity. Mr. Fox referred to the history of the war of king William, and his having had the wisdom to conceal his design of altering the French government. The want of security for the continuance of peace might be pleaded for going on with any war. There was no positive security. Certainly we should have as much security now as in any former instance. If peace were to take place, the French must disband their armies, and if the mighty machine, which nothing but the diabolical confederacy of despots had erected, were once stopped, it would be impossible again to put it in motion. If this country had acted right, and had interfered to prevent that diabolical confederacy, all might have been well; France though perhaps a more powerful neighbour, would have been less obnoxious; the king might have been now upon his throne, and all the horrors and massacres that had desolated that unhappy country might have been prevented. He ridiculed the idea of the influx of French principles into this country, for our own constitution could only flourish here; it had been more deeply rooted in our affections by the fatal experiments that had been made in France. He called to the recollection of Mr. Pitt, the memorable expression of his venerable father, that they should die on the last breach before they granted the independence of America and that the first act of his political life was to sign that very independence which his father had deprecated. Necessity dictated the act, and he must now retract in the same manner his system with respect to France. Mr. Fox concluded by saying that he certainly preferred the motion of his hon. friend, which he had opened and supported with such luminous argument and irresistible persuasion, to the amendment of Mr. Wilberforce, but at the same time, that amendment should have his support, if the House thought fit to prefer the one proposition to the other.

Mr. Secretary *Dundas* considered the original motion as couched in such general terms that the House could not vote for it with safety; whereas the amendment could be adopted consistently with the vote of the House, on the opening of the session. It was but three weeks ago that the House had come to a determination to prosecute the war with vigour, and had any thing since happened to induce the House to pass a resolution diametrically opposite. He did not wonder that Mr. Fox was so angry at the amendment because, had his right hon. friend only negatived the motion, it would have been published in every dirty newspaper and circulated through every petty town and village in the kingdom, that ministers would treat with no government in France but a monarchy and that the object of the present contest was the destruction of the republic at present established in that country. The amendment would prevent such misrepresentation; it was explicit, and gentlemen would vote for it with the greater confidence.

Mr. *H. Thornton* thought Mr. Wilberforce's amendment preferable to that of Mr. Pitt, because it was more clear and explicit; at the same time he considered the latter as speaking, on the whole a more pacific language than had been hitherto held by parliament; and he trusted that every symptom of a disposition to peace, whether in Great Britain or in France, would tend to encourage the same disposition in the other country.

Sir *F. Basset* said, that Mr. Pitt's amendment should have his chearful assent. It told those who wished for peace, that we were ready to make it, whenever it could be obtained on honourable terms. It did not determine whether peace was now attainable, but it said, that whenever it was so, no mode of government in France would be considered as an obstacle to it.

After a short reply from Mr. Grey, the House, at five in the morning, divided on the question, "That the words proposed to be left out stand part of the question:"

Tellers

Yeas	Mr. Sheridan - - - Mr. Whitbread - -	86
Noes	Mr. Aldworth Neville Sir William Young -	269

So it passed in the negative. Mr. Pitt then moved, that his Amendment be inserted instead thereof. Upon which, Mr. Wilberforce proposed his Amendment, to the said proposed Amendment, by leaving out from the word "declare," to the end of the amendment, in order to insert these words, "that the existence of any particular form of government in France, ought not to preclude such a peace between the two countries, as, both in itself, and in the manner of effecting it, should be otherwise consistent with the safety, honour, and interests of Great Britain,"

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instead thereof. And the question being put, "That the words proposed to be left out of the said proposed Amendment stand part thereof," the House divided:

Tellers.

Yeas	Mr. Ryder - - - -	254
	Mr. Sargent - - - -	
Noes	Colonel Maitland - -	90
	Mr. Jekyll - - - -	

So it was resolved in the affirmative. Another Amendment was proposed, by Mr. Sheridan to be made to the said proposed Amendment, by adding at the end thereof, these words, "and that this House are not of opinion that there are circumstances in the present existing government of France, which preclude all negociation with the said government or render it incapable of maintaining the accustomed relations of peace and amity with other countries." And the question being put, that those words be there added: it passed in the negative. The resolution moved by Mr. Pitt was then put and agreed to.

List of the Minority on the first Division.

Anson, Thomas
Antonie, Lee
Aubrey, sir John
Bankes, Henry
Barham, J. F.
Baring, sir Francis
Baring, John
Bouverie, hon. E.
Bouverie, hon. Wm.
Bradyll, Wilson
Buller, James
Burch, J. R.
Byng, George
Church, J. B.
Clayton, sir R.
Coke, T. W.
Coke, Edward
Coke, D. Parker
Colquhoun, William
Courtenay, John
Coxe, Hippesley
Crespigny T. C.
Crewe, John
Curwen, J. C.
Davers, sir Charles
Dimsdale, baron
Dolben, sir W.
Dundas, Charles
Erskine, hon. Thos.
Featherstone, sir H.
Fitzpatrick, general
Fletcher, sir Henry
Foley, hon. Edward
Folkes, sir M. B.
Fox, right hon. C. J.
Francis, Philip
Glover, Richard
Grey, Charles
Harcourt, John
Hare, James
Harrison, John
Hill, sir Richard
Howard, Henry
Hussey, William
Jekyll, Joseph
Jervoise. C. Jervoise
Kemp, Thomas
Knight, R. Paine
Ladbroke, Robert
Lambton, Wm. H.
Langston, John
Lechmere Edmund
Lemon, sir W.
Long, Samuel
Ludlow, earl
M'Leod, colonel N.
Maitland hon. T.
Martin, James
Milbanke, Ralph
Milner, sir W.
Mostyn, sir R.
North, Dudley
Pierse, Henry
Plumer, William
Powlett, Powlett
Rawdon, hon. John
Ridley, sir M. W.
Russell, lord William
St. John, St. Andrew
Smith, William
Spencer, lord R.
Sturt, Charles
Tarleton, general
Taylor, Clement
Thornton, Henry
Thorold, sir John
Townshend, lord J.
Vansittart, George
Vyner, Robert
Walwyn, James
Wharton, John
Whitmore Thomas
Wilberforce, W.
Wilbraham, R.
Wynn, R. W.
Wyndham, hon. P. C.

Tellers.

Sheridan, R. B.
Whitbread, S.

Debate on the Duke of Bedford's Motion respecting Peace with France.] Jan. 27. The order of the day being read,

The Duke of *Bedford* called their lordships attention to the motion upon which they had been summoned. If their lordships should think fit to negative it, they would render the prospect of peace more desperate than even the proceedings of ministers, or more particularly their language and the language of their friends. Their lordships had often heard it asserted, that this was a war *usque ad internecionem*—a sentiment so fraught with cruelty, and so dangerous to the principles of all good government, that to call upon their lordships to contradict it, was to call upon their policy as well as their justice. Whenever a proposition for peace had been brought forward, it had been contended, that to do so would tie up the hands of ministers, and oblige them to accept of whatever terms the enemy thought fit to grant. His motion had no such tendency; all he asked their lordships to declare was, that they were ready to accede to peace as soon as it could be obtained with safety and with honour. His motion would bind their lordships to no particular time, but both leave time and terms to the discretion of ministers, who were responsible for their exercise of that discretion. The common arguments against every proposition were, that no peace concluded with the present government of France could be permanent; that to sue for peace would be as injurious to our interest as inconsistent with our honour. Now, no man who recommended removing the obstacles to peace, had ever proposed suing for it. Next was alleged the danger to this country from the introduction of French principles; our allies, it was said, were preparing to make greater exertions; and the desperate situation of the French finances rendered it impossible for them to continue the war on the same extended scale of operations that had hitherto baffled our efforts. Then, feeling the insufficiency of their own arguments, minis-

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ters attacked the passions of their lordships, and told them that the war was the cause of humanity, of religion, and of God. To negociate, ministers said, would be dishonourable. How, they asked, could we make the first overtures for peace, when it was notorious that the French had been the aggressors? The question of aggression was by no means so clear as they chose to represent it; but, admitting it to be so, let their lordships consider what endless scenes of blood Europe must have exhibited, had it been the predominant principle of courts that no states could, without dishonour, manifest a disposition to peace, unless it had been the aggressor in the commencement of war. We had often offered to treat when our arms were successful, although we had not been the aggressors; and in the American war, which was unsuccessful, we had even suspended offensive operations as a preliminary to negociation. To prove that the French had been the aggressors, the decree of November 19, 1792, had been much insisted upon: and the argument came with greater weight from being urged soon after their lordships, in a dutiful address, had expressed their approbation of a speech from the throne in which his majesty told them that he had carefully abstained from all interference in the affairs of France, and that in all the disputes between the continental powers he had observed a strict neutrality. He was ready to admit, that we had a right to interfere in the internal government of France, if the French declared an intention of interfering in ours. But let their lordships call to mind how anxious the French had been to retract this declaration. Their minister for foreign affairs offered any explanation that might be required. The same inclination was shewn by speeches in the convention. After a speech by Danton, setting forth, that although friends to the liberty of all mankind, they ought to correct the errors of momentary enthusiasm, a decree was passed declaring that the French would not interfere in the government of other countries; and in their new constitution an article was inserted, that they would not interfere in the government of any other people, nor suffer any other people to interfere in theirs. They had therefore renounced this offensive principle and we ought to do so too.

In answer to the assertion, that no permanent peace could be made with the present French government, he would ask what was a permanent peace? Where, in the history of Europe, a permanent peace was to be found, in the absolute sense of the word? A permanent peace, in any rational and practical acceptation of the term, was a peace on such condition as each of the contracting parties had a right to expect. An equitable peace was the only one likely to be permanent; for a nation, compelled to accept of any other, smarting under a sense of injury, would observe it no longer than weakness and necessity compelled. Were he to argue on relative permanency, he should think that peace with a republic must be more lasting than with a monarchy, either absolute or limited. In a republic the question of peace or war must be debated and canvassed by numerous bodies of men; whereas, in a monarchy, a single individual might decide; and while human judgment was liable to mistake, the decision of one person must be less to be relied upon than that of several.—Their lordships were exhorted to persevere in the war, because of the danger to be apprehended from the introduction of French principles. Were Englishmen, then, so disaffected to the constitution; were they so partial to the institutions of other countries, in preference to those of their own, as to be ready to abandon them on the first suggestion? French Jacobins, it was said, would come into this country. Who were these Jacobins? Were they the members of the Jacobin Club; or was it meant to brand the whole people of France with the name of Jacobin? But, in what situation would the French Jacobin come here? Was there any thing so peculiarly captivating in his language or address, as to make him formidable? He must tell the people of this country, "Do as we have done in France: destroy your monarchy; abolish the House of Lords, dismiss the House of Commons, sweep away all your ancient institutions, and establish liberty and equality." The Englishman would hardly be so dull as not to ask, "What have you established in the room of all you have abolished; and how do you know that what you promise would be better than what I possess:" he would ask, "How came you to forsake all the blessings of your own liberty to come here, where you say there is none?" If the Jacobin should reply, that his universal philanthropy had induced him to become a voluntary exile, to relinquish

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the blessings of liberty at home, in order to preach liberty to strangers, the Englishman would probably ask, "What have you gained by your liberty, and what have you suffered? Is not your agriculture impaired, your manufactures and commerce ruined, poverty and want brought upon your citizens who have survived the prisons, or escaped the executions and the slaughter to which you have been led without distinction?"

The next argument for persisting in the war was drawn from the increased exertions to be made by our allies, and the desperate state of the French finances. But could their lordships hope for greater exertions on the part of these allies? Even if they were willing, they were not able. With respect to the finances of France, his general conclusion was, that they were by no means so exhausted, as ministers wished us to believe. But, supposing them to be exhausted, could we ruin the country? Certainly not. While there was property in the country, the government would find means to get it, for the purpose of maintaining their armies; while the people were convinced that the war was a war of extermination, or submission to the will of a foreign enemy, they would sacrifice their property. If we could not ruin them in finance, could we hope to outnumber them? Their population was one-seventh of all Europe, and add to this the extensive acquisition of all Holland, where they had not entered as an enemy, but had been received as an ally. —He had heard their lordships feelings played upon, by being told that they were embarked in the cause of humanity and of God. Was the death of 50,000 British subjects who had fallen in the war, and of hundreds of thousands of innocent soldiers on all sides, a circumstance favourable to the cause of humanity? It was agreed on all hands that the present state of France was preferable to that in which it had been very lately. Surely this was a circumstance for humanity to rejoice in. But what was the language of our humanity? We saw a nation emerging from guilt and blood, its rulers in some instances punishing, and in many endeavouring to repair the mischiefs they had done. Should we not hail this as a favourable omen? "No," said ministers, "you shall not restore order and justice, but by our means; nothing shall satisfy us but carrying war to your frontiers, and famine to the interior." By this course we should never conquer the armies or the opinions of France; but we might perhaps regenerate the system of violence and blood. Were we to assume to ourselves the task of punishing the French nation on the pretext of their impiety? If the principles in which his youth had been instructed were true, it was not for feeble and erring man to assume the office of dispensing the vengeance of God, and wrest the thunderbolt of justice from the arm of omnipotence. It could not be denied that the war was less popular in this country than it had been; and in proportion as it became unpopular, must our exertions be enfeebled. If their lordships were to declare that they supported the war, not for the purpose of dictating a form of government for France, but to obtain equitable terms of peace, and the French people, or their rulers, obstinately persisted in continuing the war, what feeling would actuate every Englishman, but that we were engaged in a war of necessity; that we were fighting for our liberty, for our existence; and that every sacrifice, and every exertion must be made? The noble duke concluded with moving, "That any particular form of government which may prevail in France, should not preclude negociation or prevent peace, consistent with the interest, the honour, and the security of this country."

Lord *Grenville* said, he could not bring himself to believe, that the present was a proper moment for this country, under existing circumstances, to adopt the means of negociation, pointed out by the noble duke in his motion. It had never been his opinion, that this country should be tied up from making peace with any government with which it was at war, merely on account of the particular form of that government. Ministers had commenced hostilities, in order to repel an unjust aggression on the part of France. Security was the object which they had uniformly professed to seek from the present contest. He still believed that a majority of the people of France were more inclined to royalty than to any other form of government; and in that view it had always appeared expedient to ministers to hold out the idea of encouraging and strengthening the party in the interior of France, who were disposed to assist in restoring monarchy. But though a monarchy would certainly

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be deemed preferable, he defied any one to produce a declaration on the part of ministers, that they never would treat with any government, under whatever form, that was capable of maintaining the accustomed relations of peace and amity with other countries. Who could possibly differ from the proposition, that peace ought to be sought whenever it could be had consistently with honour and security? But the point at issue was, whether the state of the internal government formed any part of our consideration, before we could be induced to treat with any rational prospect of security. The affirmative we must decidedly admit, unless we were prepared to say, that the security in treating, depended, not upon the characters of the persons with whom we should negociate, but wholly upon the terms of the treaty. The resolution of the noble duke was merely a general abstract proposition, which had no reference to the circumstances of the time, and upon which it was impossible to act. He held a resolution in his hand, which he intended to move by way of Amendment. It was as follows:

"Resolved, That under the present circumstances, this House feels itself called upon to declare its determination firmly and steadily to support his majesty in the vigorous prosecution of the present just and necessary war, as affording, at this time, the only reasonable expectation of permanent security and peace to this country; and that, for the attainment of these objects, this House relies with equal confidence on his majesty's intention to employ vigorously the force and resources of the country in support of its essential interests; and on the desire, uniformly manifested by his majesty, to effect a pacification, on just and honourable grounds with any government in France, under whatever form, which shall appear capable of maintaining the accustomed relations of peace and amity with other countries."

This resolution was the same which had yesterday been moved by his right hon. friend in the other House. He thought it of importance to state precisely the same words, in order to prevent any misconstruction, and that as there was an exact agreement of principle, there might likewise be the same coincidence of expression. The first point was, how far France might be disposed to treat with this country? And here he referred to the speeches in the French Convention, to the declarations of their government, and to the changes of their parties, which bore one unvarying aspect of hostility to this country.—The next point which he proceeded to examine was, what dependence could be had upon the stability of the party now in power? The moderatists, he remarked, stood between two sets of adversaries; the first, those who wish to follow up the system of moderation, and to restore the reign of order, justice, and religion; the others, those who wished to recall the sanguinary system of terror, and to establish their own authority on proscriptions, confiscations, and massacre. How little reliance was to be placed on the stability of the republic, might appear from the last accounts from Paris. A debate had taken place in the Convention, the result of which was, to send to the revolutionary tribunal, a man who had published a dialogue, stating a doubt whether the majority of the people of France were most inclined to a monarchy or a republic, and proposing that the question might be submitted to the primary assemblies for a decision. How, then, could it be affirmed, that the people of France were unanimous for a republic, when the point was called in question, even at the gates of the convention, and when those who dared to suggest a doubt upon the subject, were punished with death? This was a sufficient proof, that the present rulers were equally as despotic and as fond of those scenes of massacre and bloodshed as those who had gone before them, and that they were very near as far from that state of permanent and rational government, as all those with whom his majesty's ministers had hitherto thought that it would be unwise and impolitic to treat. That the sanguinary parties had been annihilated who could think, that observed the tedious process and long struggle to convict and punish a monster, at whose unparalleled enormities nature shuddered - he meant Carrier.—With regard to the state of religion in France, it was but too clear, from the circumstance of a writer lately liberated from prison, who had written upon the religion of that country, and said, that the season of calamity and crimes more particularly inclined men to seek the consolations of religion; and that of all countries on the face of the globe, France was

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the country most interested to seek them. Possibly prompted by this, Gregoire moved for the toleration of the christian religion. His speech received an impious answer; one of the leaders in the convention declared, that the only fit religion for a republic, was republicanism; they passed to the order of the day; and immediately decreed the celebration of decadary festivals, a sort of Pagan feasts, by which the people were taught to deride all the ceremonials of christianity; and from the benefits of the release granted to other descriptions of prisoners, the priests were excepted.—The noble lord proceeded to prove from Cambon's reports, the declining state of their resources and the depreciation of their paper; assignats were fallen 15 per cent. lower than when they were at 75 per cent. discount; the sources of their revenue were dried up; the manufacturers of Lyons, who had once been so profitable to the state, had lately earned their bread as labourers—and by what sort of employment? by demolishing, in conformity to the decree of the convention, the houses of that once famous and opulent city.—The noble duke had acknowledged, that he would be as far as any man in the kingdom from suing for peace. Now, for this country, at the present moment, to offer terms of negociation, would be little short of doing what the noble duke averred he would not do. Would not an offer of peace at this moment, strongly indicate that our finances were exhausted, and that we were no longer able to bear the burden of the war? He was clearly of opinion that it would.—The noble lord then adverted to the report of Johannot, and said that, notwithstanding this report held out the resources of the French to amount to 500 million sterling, yet their immense expenditure had been such, during the last two years, as to keep an equal pace with it in magnitude. But it had been said, that the effect of the present system of moderatism, had been to throw the odium of all the former cruelties upon the faction of Robespierre, and to procure to the existing government the affection and confidence of the people. But in what were their resources stated to consist? In the immense confiscations that had taken place during the prevalence of the system of terror—confiscations not drawn from the crown-lands, the church-lands, the property of the exiled nobility, but from those who had remained in the country, and whose sole crime it was to be possessed of wealth and property. The heirs of those persons had applied to the present rulers to restore their property, thus cruelly and unjustly taken, but had been peremptorily refused. Could those persons be supposed to be attached to the present government? He did not wish to throw any unmerited obloquy on the new system; it was much less violent and unjust than that which it had succeeded, and so far we were in a situation less remote from that in which we might be able to treat with a rational prospect of security. Till that period arrived, which he yet conceived to be far distant, he was of opinion, that a vigorous prosecution of the war was preferable to any attempt to negotiate. The moment of ill success was not that in which we ought to solicit for peace. He heard with much satisfaction the animated manner in which the noble duke had declared that he would support the war, if France should demand unreasonable terms. Could she, in the present moment, be expected to propose any terms, which an Englishman would accept? If we should make peace from a sense of present pressure, the injury must be great, and the indignity strong, which would again rouse us to resentment. But could we make peace with any sense of confidence or feeling of security? If in such circumstances we should treat, we should experience all the difficulties of war, and enjoy none of the advantages of peace. Were we prepared to risk the consequences of being again inundated by French missionaries and French principles? From the whole view of the situation of both countries, he thought no alternative preferable to that of a vigorous and steady prosecution of the war. His lordship then moved the Resolution which he had stated at the commencement of his speech.

The Duke of *Norfolk* said, that there were now before their lordships two distinct motions. When he came to the House, he expected to have heard only one motion debated, he meant that brought forward by the noble duke, and he expected also that it would have been fairly met, and finally disposed of, either by a fair adoption or rejection, or else by the usual mode of the previous question. The motion brought forward by the noble duke, was, he believed, only intended to do away that bar which seemed to be

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laid in the way of peace by a certain part of his majesty's speech to both Houses, on the first day of the session, which conveyed an idea that no peace could be entered into with the present government of France. If this motion of the noble duke was to pass, a weighty impediment to a negociation for peace would be removed; and as the amendment, was, in his opinion, a very uncandid way of substituting another motion by way of getting rid of the first by a side wind, he should support the original motion.

The Earl of *Darnley* said, that two short questions, in his opinion, would serve to overturn all the arguments that had been advanced in support of the motion: and those questions, although they had been repeatedly put, could not, he believed, be easily answered. The questions were, first, "With whom should we treat?" And if that could be solved, the second was, "Who would treat with us?" He declared, that any specific form of government in France was not the object of the war on our part; but that we should be ready to make peace, as soon as it could be made consistently with the honour, the interest, and the security of Great Britain. He considered the principles practised by the present rulers of France, rather as the temporary expedients of the moment, than as the principles of any settled system of government. He pointed out the extreme danger of negotiating with such rulers, and strenuously defended the line of conduct which ministers had adopted.

The Bishop of *Llandaff* [Dr. Watson] said;—I seldom trouble your lordships, and I never do it without apprehension. I am fearful, lest the public opinions of so retired and unconnected an individual as myself, should be thought unworthy the attention of the House; and I am fearful also lest any interference in politics should, by some, be construed into a stepping out beyond the line of my profession. Occasions, however, of great national importance will sometimes occur; on these I shall always think it my duty to come forward; and I consider the present as one of them: I consider the junction of the marine of Holland to that of France as a danger of the greatest magnitude. We are unfortunately, my lords, engaged in a war, which has frequently, and with great confidence, been called a just and necessary war: it is called so by the noble secretary in his amendment. Men will differ greatly in their notions of the justice of war, according to the different views of the extent of moral and religious obligation. For my part, I consider the justifiable occasions of going to war to be few, very few, indeed. I admit that war is not absolutely forbidden by the letter of the christian religion; but I am persuaded, that when the spirit of christianity shall exert its proper influence over the minds of individuals, and especially over the minds of public men, in their public capacities; over the minds of men constituting the councils of princes, from whence are the issues of peace and war, when this happy period shall arrive, war will cease throughout the whole christian world. And of this, my lords, I am confident, that no war can be justified on any principle, either of revealed or of natural religion, till indemnity for past injury, and security against future aggression, have been demanded and refused; till every means of accommodation have been tried—tried with a sincere disposition for preserving peace, and tried in vain. Whether this principle was or was not properly attended to in the beginning of our differences with France, is better known to the king's ministers than to me. I am happy to hear from the noble secretary that it was. I have no wish to impeach any man's character; but I am not so ignorant of the law of nations as not to know that on the proper or improper attention which was paid to this principle, depends the justice or injustice of the war.

I perceive, my lords, that if I was fully to state to your lordships all my scruples concerning the justice and concerning the necessity of the war—for they are distinct questions, since a war may be just without being necessary, though it cannot be necessary without being just—I should trespass more than I ought to do on the patience of the House, especially as your lordships have long ago come to a determination on the question. To that determination I bow with respect, and quit the subject. I may be suffered, however, to remark, that, in my opinion, Great Britain, after the unsuccessful efforts of Prussia and Austria in the first campaign, nay, at any period before we had actually broken our neutrality, might have interposed her good offices between the contending parties, with great propriety, and with great probability of effect. She might have said to France, "Your fraternizing

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system must be given up; it disturbs the tranquillity of the world; it breaks asunder the bonds of all civil society; your ambition must be restrained, and your schemes of aggrandizement abandoned; neither Savoy, nor Brabant, nor Holland, not an acre of territory, must you possess, beyond what you possessed during the monarchy." This, my lords, we in fact said, by our deeds to France; but there we stopped: we did not add, as we ought to have done—"France shall be at liberty to exercise the sacred right which belongs to her, and to every other independent state the right of determining for herself the form of government by which she shall be ruled. Great Britain will not only respect this right, but she will endeavour to prevail on other nations to respect it also: she will also prevail on Prussia and Austria to withdraw their troops." This, my lords, would have been a conduct worthy the magnanimity of a free nation. I may be told, that had the attempt been made, it would not have succeeded. But I have not that opinion of the political wisdom of any individual, to believe him on his bare assertion. I think it would and for this reason—it would have been for the interest of all parties to have acceded to such an honourable mediation.

With respect to the origin of the war, it is said to have arisen from a concert of princes, confederated to dismember France and to annihilate the liberty of Europe. Without farther proof than has yet come to light, I cannot believe this: I cannot at least admit for a moment, that the king of Great Britain would, either directly or indirectly, have given his consent to so nefarious a project; nay, I will do the minister of the country the justice to say, that I believe him to be wholly incapable of either proposing or patronizing such a scheme. That the war was begun by the princes of the continent, and entered into by ourselves, with a view of stopping the propagation of democratic principles, is a proposition which I believe to be true. There may have been some other causes (to say nothing of pretences) for the war; but I take this to be the chief; nor do I see any dishonour in avowing it. Every government has within itself an inherent principle of self-preservation: from this principle springs a right of resisting every attempt which evidently tends to the subversion of established governments. But that war is either the only or the best means of impeding the progress of democratic principles, is certainly not a self-evident proposition; and how assured soever some men may be of its truth, to me it is not a probable one; an unsuccessful war is more likely to accelerate than to impede the progress of democratic principles, and a successful war will not stop them. The history of the world informs us, that opinions are not subdued but confirmed by persecution; they are seated in the mind, and the mind is not susceptible of change from that coarse instrument of government—force. They yield to lenity, to reason, to experience; and in this enlightened state of Europe, the thrones of despotic monarchs will be better protected by a seasonable attention to popular requisition, by a relaxation of the reins of despotism, than by all the standing armies which they can collect around them. But let the ministers of the continental powers reason on the subject as they think fit, the minister of the king of Great Britain, or any other honest man who had access to him, might, with the greatest truth and honour, have said to him, and might still say to him, "Sire, your majesty's situation is essentially different from that of the princes of Germany, and from every other monarch in the world; you, and you alone, reign over a free people: and you reign in the hearts of a loyal people, by your personal virtues; and you reign in their hearts, by a still stronger title to their regard. You are an essential constituent part of that constitution which they admire, for the establishment of which their ancestors shed their blood, and for the preservation of which they are ready to pour out their own. There may be a discontented body of men, but the cause of their discontent may be removed with perfect safety; there may be a few seditious incendiaries in your kingdom, for no kingdom is without them; but they are too inconsiderable in number property, character, and connexion, to afford any reasonable ground of alarm. The weighty arm of the law will crush the disturbers of the public peace: and the prodigious majority of the people, who detest a republic, will abash the propagators of opinions subversive of the constitution." I know not, my lords, that the royal mind was ever disturbed for a moment with personal apprehensions; I hope it was not: but if it was, I think, in my conscience, that it might have

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been tranquilized by a just representation of the superior situation in which his majesty stands, when compared with that of every other monarch in the world. Arbitrary monarchs may tremble at the subversion of tyranny—the king of Great Britain has nothing to fear, but from an attempt which, on my honour, I believe him perfectly incapable of making, from an attempt to subvert the liberty of his people.

What, my lords, is our Magna Charta and the Bill of Rights? Is our trial by jury, which no constitutional man will vilify even in thought—is the Habeas Corpus act which no constitutional man will agree to suspend even for an hour, except in cases of extreme necessity—is the integrity of our courts of justice, a circumstance unparalleled in the annals of nations—is the equality of law, which unites in the same bond the peasant and the peer—is the freedom of the press—the liberty of religion—the provision for the poor—are these, and innumerable other blessings, so little known, so ill appreciated by the people of Great Britain, as to render a foreign war necessary for the preservation of that constitution from which they are derived? No; I do not believe it; I will not say it, for in saying it, I should calumniate the character of an enlightened people. There is no body of men, aristocratical or democratical, churchmen or dissenters, in this kingdom, which would wish to exchange our assizes and our sessions, for revolutionary tribunals; our Houses of parliament for committees of legislature and general safety; our beloved monarch for a Robespierre: This nation has enjoyed for near a century, much prosperity much tranquillity, much civil much religious liberty, under the mild and equitable government of the princes of the House of Brunswick. Who but a madman would wish to risque the exchange of these blessings for he knows not what?—Would wish to exchange this illustrious family for the upstart progeny of some flagitious demagogue? Alarms of this kind are fit stuff to constitute the dreams of old women and children; they do not affect my mind. There are other causes of alarm, less observed, but more portentous, which penetrate my heart. If any thing has happened in the course of this century which has lessened, or which tends to lessen, in the minds of the people, their confidence in the House of Commons, as uncorrupt and careful guardians of the public purse—if any thing has happened which has lessened, or which tends to lessen, in the minds of the people, their confidence in the House of Lords, as a wise and independent aristocracy, well calculated to protect the constitution from the incroachments of monarchy on the one hand, and of democracy on the other—if any thing has happened which has lessened, or tends to lessen, in the minds of persons of all ranks, their veneration for religion—religion, my lords, is the only basis of every government; for you may as well attempt to build a city without a foundation as to preserve a state without religion—if any thing of this kind has happened, surely it becomes the legislature to advert to these things speedily, seriously, and dispassionately. I know there are many wise men who look upon our national vices, and constitutional defects, as irremediable evils, which will increase, till some dreadful catastrophe shall burst the imposthume, and cleanse the corruptions of the body politic. I am not of that desponding opinion; we are not yet arrived at that state of political profligacy which the Romans had reached, when their historian describes liberty and public probity succumbing under the corrupting influence of wealth and power; it cannot yet be truly said of us, as it was of them, "Ad id perventum est, ut nec vitia nec remedia pati possumus." The wisdom of this and the other House, co-operating with the wisdom of the king, may find remedies for all our evils: we are still a wealthy, a brave, and a free people; let us keep our wealth at home for our own occasions; let us exert our bravery at home in our defence; and let us be watchful of our own liberties, and sincerely willing to participate our freedom with every nation under Heaven, and we shall have nothing to fear from all the republics in the world. What is there so enchanting in republics, that we should be apprehensive lest the people of this country should be seduced from their attachment to the constitution, by contemplating the republic of France? In its present state, it is an object of terror and abhorrence to every man, however exalted, however abject his condition. In the present aristocratical republics of Europe, every one who knows any thing of the subject, knows that the freedom we enjoy is not enjoyed in them. In the democratical republics of ancient times, and especially that of Athens,

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we may see something like a prototype of the French republic: it was a dreadful tyranny exercised by pestilent men, through the instrumentality of the multitude, exercised over valour, learning, justice, over every thing that was great and excellent among mankind. But I shall be told, that the representative republics of America and France are essentially different from all republics of either ancient or modern times; that they are machines of government, built upon a new construction. Be it so; I cannot now stop to examine either their excellencies or defects; it is enough for my argument, it is enough for the people of England to know, that they are new—their novelty renders them suspicious; when these machines shall have gone on for a century, as well as their most sanguine admirers can expect, it may be soon enough then for our posterity to examine whether the people enjoy under them more solid blessings than they themselves will then, I trust, enjoy under the present constitution of Great Britain.

My lords, we are all agreed. I do not, by all, mean every individual in the kingdom; but I do mean all the individuals, without exception, in both Houses of parliament; and a vast majority of the people out of parliament are agreed in the pursuit of the same object; and that object is,—the preservation of the constitution. I give equal credit to all parties on this head, and I should think myself destitute of candour and of justice, if I did not. I know, my lords, that the connexions (I speak not of the leaders of both parties), transgress all bounds of moderation in their judgments of each other. The adherents of administration endeavour to exhibit the opposers of public measures, as men hostile to the peace and tranquillity of the country; as men of republican principles; as secret subverters of the constitution. The adherents of opposition endeavour to represent the ministers of the crown, and the majorities in parliament, as men destitute of public probity, careless of the public safety, and anxious for nothing but the preservation of their places, and the accumulation of riches and titles. This, my lords, is not a time; indeed, there is no time for it; but this especially is not a time to struggle for the retention, or for the acquisition of power, by calumny and misrepresentation. We are all agreed, that the constitution ought to be preserved; we differ as to the means of preserving it. Some are of opinion, that the republic of France must, at every risk, be destroyed, lest its establishment should be followed by the subversion of every monarchy in Europe, and of our own amongst the rest. Others see no probability of such a consequence; can discover no connexion of cause and effect, between the establishment of a republic in France, and the subversion of the subsisting governments in other countries.—On the contrary, they are of opinion, that the miseries which the French have hitherto experienced, and which, if left to themselves, they probably would continue to experience under a republican government, would, in a few years, make them, as similar evils made our ancestors, revert to some species of monarchy, and would effectually deter every other people from following their example, It would be an indication of great boldness in the most consummate statesman; it would be arrogance and presumption in me, peremptorily to determine which of these two opinions was most founded in truth. I am inclined, after considering the matter with perfect impartiality, and with the best ability which God has given me, to adopt the latter.

I find fault with no man for differing in opinion from me on any subject; and I trust those noble personages, whose political principles I have been through life accustomed to revere, and of whose political, as well as private, probity, I entertain the highest opinion, will find no fault with me, for differing from them on this important occasion. If my opinion had been wavering, I would have suppressed it; —it is decided, and I think it my duty to declare it. My decided judgment is, that the establishment of a republic in France will not endanger the constitution of Great Britain; and I am further of opinion, that a perseverance in shutting the door of negociation, in prosecuting an expensive war, will shake the stability of the throne, and endanger the independence of the nation. But it will be urged,—a declaration of our disposition for peace will be a degrading and an humiliating measure. I look upon it in another light. I consider it as a christian effort of an humane people to put a stop to the effusion of human blood?—but it will be a fruitlsss overture;—no man can tell what fruit it will produce;—it may not produce peace, but it will be attended by two consequences, either of which is of sufficient

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importance to induce us to make the trial; —it will diminish animosity abroad, and it will lessen discontent at home. The French are animated to madness against this nation. I inquire not into the cause; the fact is certain: but when they hear that we are ready to treat with them, they will know that the calamities which they suffer are not of our creating? and if the overture is rejected, the people of Great Britain will know, that the burthens which they sustain are unavoidable. But there will be a want of firmness in changing our system—A perseverance, my lords, in measures originally wrong, is not magnanimity, but obstinacy;—a perseverance in measures originally right, but which circumstances have rendered, probably, unattainable, is not a mark of wisdom, but of folly. It was a mistaken idea of the dignity of firmness which lost America to this country;—it was the same mistaken idea of the dignity of firmness, in not attending to the just complaints of the people, which has broken the golden pillars of the church, and tumbled into ruins the throne of France. Let us grow wise from our own experience, and from observing the misfortunes of others.

But shall we suffer the bloody tyrants of the Convention, and their no less bloody associates in every province, town, and village of France, to escape unpunished? I like not harsh language on any occasion; it tends only to widen differences; but those men are not answerable for their conduct to us; their own nation are their judges; nor will they escape unpunished, though they fall not by the axe of the executioner; to the justice of God we commit them; or rather, as becomes peccable men to say, to his infinite mercy we commend them: may he grant them repentance, and forgive the enormity of their sin! But the resources of France are exhausted, ours are still great, and one campaign more will finish the business with success.—All this is assertion, without proof; it is an improbable prophecy: but admit it to be true in all its parts, let us see what will follow; for it is a main part of deliberative wisdom to respect the end of measures. Suppose, then, the unfortunate Louis to be placed, by our efforts, on the throne of his ancestors, surrounded by his nobles in the plenitude of their ancient privileges; the bastile re-erected, and the people of France,—Heaven avert that part of the event!—once more crouching under the rod of despotic power, what advantage will Great Britain derive from this change? The king of France cannot restore to us thousands and tens of thousands of gallant men, who have perished in the contest; nor will he send us a colony of his subjects to replace the numbers which the state has lost. Will he repay into the exchequer of Great Britain the millions, and tens of millions which have been expended, or tax his own people, in order to ease our shoulders from the burthens we must sustain on his account? No; whatever may be his gratitude, he will not have the ability to do this. Will he give up his West-India islands to indemnify us for our losses? No; he will not rob his crown of so bright a jewel; his people will not suffer it; Spain will not permit it; Holland, if she is allowed a voice, will exclaim against it; all the powers of Europe, already too envious of our prosperity, too jealous of our greatness (I verily believe we have not one cordial friend in Europe), they will all conspire to prevent our receiving such an additional source of naval and commercial strength. I profess I do not see any probability of our ever regaining a single guinea of what we have spent, though the re-establishment of the ancient monarchy, or of a limited monarch, should, by our means, be effected to-morrow.

But, I may be told, that the war was begun, and is continued, not so much for the re-establishment of the French monarchy, as for the security of our own. I have already delivered my opinion so explicitly on the little connexion there is between the establishment of a republic in France, and the subversion of the English constitution, that I will not dwell on this point any longer. But this is a war of religion against Atheism and Infidelity.—Gracious God! How great is the presumption of us, miserable mortals! The Almighty Creator and Conservator of the universe wanteth not the arm of flesh to secure the reality of his existence, or the honour of his laws. He gave a commission to the Israelites to exterminate the Canaanites for their wickedness and idolatry; but he hath given none to us, or to the princes of Europe, to exterminate the French for their cruelty and infidelity. Vengeance, as a noble duke rightly observed, and with a sense of religion which adds honour to his rank, vengeance belongeth not to man; or in the words of scripture, "Vengeance is mine, I will repay," saith the Lord.

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Allow me, my lords, for a moment, a word on the subject of French infidelity; it certainly will not be a word of excuse or extenuation; it will be a word of comfort and consolation to every sincere believer in the Gospel of Jesus Christ. I am then, my lords, full of hope, full of expectation, grounded on some knowledge of the Scriptures, that this abandonment of all religion in France will be followed in due time, in the time known only to the Ancient of Days, by the establishment of a purer system of christianity than has ever taken place in that country, or perhaps in any other country, since the age of the Apostles. Voltaire, Rousseau, Helvetius, Diderot, and the rest of the philosophers in France, and perhaps I may say, many in our own country, have mistaken the corruptions of christianity for christianity itself, and in spurning the yoke of superstition, have overthrown religion. They are in the condition of men described by Plutarch; they have fled from superstition; have leapt over religion, and sunk into Atheism. They will be followed by future Newtons and by future Lockes, who will rebuild, with more than mortal strength and beauty, the altars which the others have polluted and thrown down; for they will found them on the pure and unadorned rock of Christian verity, and the attacks of infidels shall no more prevail against them.

I beg pardon for this digression (and I am sure I shall be forgiven it when I consider the attention with which the House, participating in his feelings listened to the noble secretary of state, when he described, with so much truth, the present irreligion of France), and return to the subject of debate. My opinion is, that we should make the most vigorous preparations for war, by land and sea; and especially by sea: that these preparations should be accompanied with a real disposition for peace. Thus prepared, and thus disposed, we may boldly say to France, "Peace or war; take your choice." Let not our enemies triumph at this declaration, or mistake our meaning. We wish for peace, but we wish for it on their account, on the account of general humanity, as much as on our own. We wish for peace, but we are prepared for war; we are neither disheartened by their successes, nor intimidated by their menaces; our resources are not exhausted, our courage is not subdued. They build much upon our divisions; they will find us not divided in resisting them. Would to God that my voice could reach the Convention, when I say, that the people is with the crown, and that the crown is with the people, and that both are with the constitution. All parties are united, all good men are combined—to do what? To support the throne. What else? To maintain the aristocracy. What else? To protect the people themselves from the insidious machinations of their own demagogues, from the bloody tyranny of French fraternities. My lords, I have done. I have delivered a plain and honest opinion; I am not attached to any party, though I find no fault with those who are. Parties, I acknowledge, may be formed, maintained, and broken, on honourable terms; but I know not how it has happened, except from the narrow views of a collegiate life, it has never suited my notions of public probity to become a party man. I beg on this head to be clearly understood; I have no wish to see the present pilots driven from the helm; I simply wish them to change their course. It is a matter of perfect indifference to me, who steers the vessel of the state, provided it is steered with ability. The storm with which it is threatened is new in kind, and unparalleled in degree: hitherto we have only heard its whistling from afar: it may soon approach our coasts, and scatter tremendous and undistinguished ruin over the whole land. May blessing from God, reward from the king, gratitude from the country, fall upon the head of that man, of whatever party he may be, who shall conduct us into port with safety and with honour! My lords, I have trespassed too long on your time. I conclude with giving my hearty concurrence to the motion of the noble duke.

Lord *Hawkesbury* assured the reverend prelate, that he was mistaken in his assertion, that the war was begun by a combination of princes, to take advantage of the state of France. It was not commenced by the emperor, but had its origin in the unprovoked aggression of the French. Great Britain had not interfered with the government of France; but, on the contrary France had interfered with ours. With regard to the fact that France declared war against us, it was notorious, that one of the grounds of accusation against Brissot was, that he had involved France

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unnecessarily in a war with Great Britain. Ministers had at no time made the form of government in France, the principle of their objection to negociate; on the other hand, they had anxiously wished that the government of France should assume some form that should be capable of restoring the tranquillity of Europe, and securing to this country the undisturbed enjoyment of her own constitution. Had any government that could be depended on been yet seen in France since the murder of their monarch? During the whole period the unfortunate people of France had groaned under oppressions never heard of before. The word liberty was preached, while the most goading despotism was practised. Would any man, seriously contend, that, under such circumstances, this country could safely be at peace with France? His noble friend's amendment did every thing that sound policy could warrant: it disavowed any interference on the part of this country, with respect to the form of government which the French might think proper to adopt; but it wisely stated, the determination of Great Britain to prosecute the war with energy, until the moment should arrive when she might negociate with the prospect of effecting a pacification on just and honourable grounds.

The Duke of *Athol* said, that much as he lamented the reverses of the last campaign, he thought ministers had no option: though it was right to declare that the form of the French government did not stand in the way of negociation, it was right also to assert, that we were determined to prosecute the war with vigour, until peace could be safely and honourably obtained.

The Marquis of *Lansdown* said, he did not think he should have risen to second the noble duke's motion, in this perilous moment, after what had recently happened, namely, the loss of Holland, which filled him with astonishment, and occupied all his thoughts and all his reflections. So sudden was that event, it was scarcely credible how little the people of England were prepared for it; as yet, they had not sufficiently recovered from their surprise to be aware of a thousandth part of the consequences. The thing would appear incredible to him, that Holland should have become the prey of the enemy in the same campaign that ministers and their friends had talked of marching to Paris, did he not know that ministers had a facility in acting from their own judgment, without the least respect for parliament, or the smallest desire to avail themselves of its deliberative wisdom. He wished to know what was become of the services of the king of Prussia, who had received two millions from us for protecting Holland. He wished to know also, what had been done by the Emperor. The king of Prussia had received our money, the emperor had received our money—in God's name, why did ministers not take care that we had our money's worth for our money? If the money that had been given to the king of Prussia, for which we had not been repaid by service, had been given to Holland, it would have shown our attachment to the Dutch as an ally, have enabled them to defend themselves, and that country might have been saved. The loss of it was of most serious importance to us; Great Britain, in consequence, was not that Great Britain it was a month ago. Nor was Europe safe. The French were in possession of Amsterdam; and it was well known that Amsterdam was the depot of all Europe. The French had bought up all the saltpetre, and they had found the magazines full of stores, full of every necessary they could wish for, which we had refused to the Dutch. How it was possible for all this to have happened, he should like to know, if circumstances would allow ministers to answer. He had heard it often said, "This was not a time for reform;"—sure he was, this was not a time for inquiry. Holland being lost, how was the war to be carried on? How were we to supply our army? How to convey the necessary means for their support? The French were in possession of all the communications with the Rhine, and of the mouths of those navigable rivers which flow through Holland in various directions, by the means of which we had been accustomed to convey the various articles this country supplied Germany with. He did not know how ministers meant to send our money to our faithful allies; those millions which we were so eager to get rid of. The business of bills of exchange was at an end; and if it was difficult to convey our money, it would be impossible to convey any thing else: if any thing could find its way, their lordships well knew that money could do it in some shape or other. But how could we send

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it? By the way of Hamburgh? It was well known that the inhabitants were against us, and favourable to the French. Besides, as the French were at no great distance, they would not, from prudential motives, feel inclined to show favour to the combined powers. We must send our subsidy, and the money to pay our troops, in bullion, a comfortable consideration for this country! It would amount to one-fourth of all the specie in the kingdom. Would they send it to Lubeck, or up the Oder? It would be a curious circumstance to see the king of Prussia turned broker, and metamorphosed into the character and acting the part of Mr. Hope.—The addition to the fleet of France by the capture of Holland would immediately be 16 sail of the line, besides a great number of frigates and smaller vessels; this would render it extremely difficult for us to protect the trade of the North sea, and especially that of the Baltic; for they must all remember the danger the Baltic trade was in, when, in the course of the last war, our fleet was gone to the relief of Gibraltar. With these additional ships of the line, and the acknowledged skill of the French in naval architecture, they would prove an inconceivable annoyance to our eastern coasts, and all the commerce carried on through the British Channel to the North Seas. Let their lordships also recollect the various places and different parts of the British dominions, that would call for protection from our own fleets. Against so formidable a maritime power, Ireland must be looked to with attention. The sugar islands we seemed to disregard. The East Indies would require a strong fleet; Halifax and Canada another; and there was hardly a quarter of the globe in which we should not have occasion to keep up a naval force. Thus our maritime power would necessarily be divided in order to defend the different and distant objects that would claim our protection, which must weaken our efforts at sea considerably; while France, disregarding her foreign dominions for the present, would keep her naval force nearer home, and derive essential advantage from that circumstance. — The marquis then turned his attention to the means of France to bear the great expense of the war, compared with the means of this country, which rendered the war important to us, infinitely beyond all former wars. We had by our conduct established in France a revolutionary government, a government which nothing could resist, which in strength, in power, and in vigorous exertion, was surperior to the government of the most despotic prince that ever existed. A despotic prince might be restrained from harrassing and oppressing his people, from motives of policy or fear: but a revolutionary government was restrained by no such considerations; the men composing which might occasionally fall, but the government itself would survive; money, men, arms, clothing, provisions—it sweeps all before it. The produce of the earth, the property of individuals, nay even their persons must yield to requisition, and that produces a degree of energy which all the efforts of an established government can never equal. To talk, therefore, of the resources of France being nearly exhausted and her finances nearly ruined, was idle in the extreme; the convention gave with one hand one day, what it took away with another the next: it issued paper, and recalled it at its pleasure; it was under no restraint, no control whatever. And what had we to oppose to all this, and to rely on for the support of our enormous expenses? Nothing but a few hypocritical taxes. What was the internal situation of this country. Distress of every kind; the poor starving, the middling class unable to live as they were accustomed to live; and even the rich sensibly feeling the high price of every article of life. With a country almost depopulated by the recruiting for the army, manufactures and agriculture nearly at a stand for want of hands, were we in a condition to continue a war carried on at such an enormous expense of men and money, and already attended with disasters, that must lead to ruin, if the war were persisted in? Before ministers engaged the country in so mad a contest; they ought to have provided the means of carrying it on. When Henry 4th of France meditated a formidable attack on the House of Austria, he was fifteen years providing for it by forming the necessary alliances, treasuring up the public money, and enabling himself to commence it, and carry it on for six years without being under the necessity of imposing a single tax on his subjects. Had his majesty's ministers followed that wise and prudent example, The marquis said, that a revolutionary government ought not to be a bar to negociation; we had nego-

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ciated and concluded a treaty of peace with America, while under a revolutionary government, and why could not the same be done with France? He stated that the present perilous moment called for all the counsel, all the advice, that could be collected from the ability and experience of every man, who was conversant with state affairs; he lamented therefore, that the ancient practice of summoning all the privy counsellors together, as well those out of office, as those that were in, when the circumstances of the kingdom were in extreme difficulty, had grown into disuse. Had such a practice prevailed at present, his majesty could not fail to have been undeceived as to the delusions played off upon him and his subjects, by ministers who either did not understand the interest of the country, or who would not for some purpose or other adopt the line of conduct that those interests rendered requisite. Peace must be an object desired most ardently by all the rational part of his majesty's subjects; to what end, then, deal in provoking language, and apply harsh and irritating epithets to the French convention, and its members, which could only generate ill humour, and excite detestation? He wished for peace most anxiously, but a peace on honourable terms; to obtain which, depended in his opinion upon us; we ought to offer it and to change our tone. Let it be remembered, that "a soft answer turneth away wrath." Persuasion and mildnes would do more than menace and defiance. Peace had more than once been brought about by circumstances purely accidental and apparently trifling. The furnishing count d'Estaing with a passport in 1762, had been generally supposed to have had some influence in smoothing the way to the peace that followed. There was a circumstance at present which we might render useful. The arrival of a lovely and illustrious personage was expected by all ranks of people in this country, with a degree of anxiety seldom evinced on any former occasion. Her journey had been first impeded by the rigour of the season, and since by the events of the war. From the known gallantry of the French, a soft word to general Pichegru, might, in spite of his monkish education, warm his heart, and thaw the mountains of ice that obstructed the journey of this welcome stranger, and she might come here the harbinger of peace, attended with *Cornu Copiæ* and all the emblems of returning plenty. This expression exciting a general smile, the marquis declared he did not say this as a pleasantry; he was too old to pretend to be a man of gallantry, but he was naturally drawn into the manner by the recollection of the satisfactory feelings with which the arrival of the princess of Brunswick would fill the breast of every Englishman, whose bosom glowed with loyalty and affection to his sovereign, and love and regard for his family. A speedy peace he was convinced, could alone preserve the honour, the interest, and security of this kingdom; and therefore, he should give his vote for the motion of the noble duke.

Earl *Spencer* said, that the war had its effect on the internal state of the country, on its agriculture and its manufactures was undoubtedly true: but that was the unavoidable case with all wars, and perhaps to a less degree in the present than in any preceeding one. Our naval exertions had been great, and he hoped that the preparations now making would enable us to convince all Europe that Great Britain had not lost her energy, when she felt it necessary to maintain her rank as a maritime power. Our cause was a just one, our seamen brave, steady and skilful, and their commanders properly anxious to maintain their own characters and the character and honour of their country. We had, therefore, reasonable ground for success notwithstanding the present was confessedly a time of singular difficulty. But it was not, he thought, a moment to sue for peace. From the commencement of the war, he had felt that it was just and necessary. He had been lately called upon by his majesty to take a part in administration, a call, which he thought it would become him to comply with, as it would have the appearance of approving measures in the responsibility for which he would not venture to take a share, if he declined the gracious offer. He joined the noble marquis in his wish that at this alarming period, men of experience in state affairs would give government the advantage of their abilities. If ever the feelings of party ought to subside, this was the moment; and he should rejoice if the noble lords with whom he had formerly acted, would join their talents in promoting the common cause of the country. If those who were capable of doing such essential service should refuse their assistance, he still hoped that the country would have energy to defend itself.

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He thought the motion of the noble duke an abstract proposition, capable of misconstruction, and that the amendment, in terms more guarded, was calculated to convey the main effect of the motion, without being liable to the same objections.

Lord *Hawke* approved of the amendment. He gave an account of the present naval strength of this country, and said, he trusted we were sufficiently powerful to defeat the enemy. He also took a view of the Dutch navy, and said, that from its defective state, the French would have very little reason to boast of the acquisition.

The Earl of *Hardwicke* said, that in the course of his parliamentary life few motions had occured more deserving of the serious attention of their lordships. It proceeded from a quarter highly respectable: it contained sentiments from the truth of which, considered abstractedly, no one could dissent. The effect however, which the motion, unaccompanied by any more explicit declaration, must necessarily have, would be to weaken the executive government both at home and abroad, by establishing an opinion in respect to their motives as injurious to the honour of the national councils, as it appeared to him unfounded in point of fact. It appeared from past experience, that the weakening of government in critical and arduous times must necessarily be productive of great disadvantage to the public interest. Such he conceived would be the effect of an abstract motion respecting peace, unaccompanied by a declaration of the opinion of parliament on the subject of a vigorous prosecution of the war, with a view to a speedy and successful termination of it. If ministers had ever declared that any particular form of government which the French nation might think fit to establish could be a bar to negociation, or that the restoration of monarchical government under any form, was a *sine quâ non* of treaty, it would be highly necessary for parliament to interfere, and contradict in the strongest manner an opinion at once so absurd and impolitic. The only point in which this country was interested was, that some government should be established in France, which possessing the confidence of the people of that country, should promise a reasonable security in any negociation for peace. He said, that nothing could be more delusive than to look for moderation of conduct or security from the French. Their conduct had undergone no change. He had received such accounts from the Rhine of their pillages violences, and devastations, as were shocking in the extreme. The French had threatened to invade this country: he believed they might make the attempt, but he trusted they would meet with a very different reception from that which they had found in Holland. He should support the amendment.

The Marquis of *Abercorn* said, that the noble duke deserved the thanks of the country at large, for having brought forward his proposition. It was one which the necessity of the times called for; and one which, however desirous in general he might be of supporting ministers, he must vote for. The manner in which it had been met by ministers, was as defective in true policy, as it was unbecoming in men in such high situations. The motion was so framed as to concentrate all the varieties of sentiment on the subject. Ministers had affected to argue that the proposition might tend to cripple their future proceedings by showing a premature anxiety for peace. If such would be its effect, it ought to be guarded against; but, in his mind, the conduct of ministers on this occasion was infinitely more likely to produce such an effect, than if they had met the question fairly and openly. Their evading it, proved that they no longer stood on the high ground on which they were a short time ago, and that they were forced to make use of this expedient. That the public mind was generally changed, he had personal means of knowing; and he was persuaded, that from the universal spirit of loyalty, there was but one drawback, namely, the gloom which hung over them at seeing no end to a war, the object of which was undefined. The motion of the noble duke would serve to dissipate this gloom, and would unite all men in the pursuit of the war, if, after such a declaration, the French were disinclined to treat for an honourable peace.

The Earl of *Lauderdale* approved of the motion. The only objections which had been made to it were drawn not from the law of nations, but from the Jacobin school, which the speakers against it professed so much to reprobate. He opposed the amendment, not only as being contradictory in itself, but as leaving it at the discretion of ministers to determine when

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a government was established in France, capable of maintaining the relations of peace and amity with other nations. If it was left to ministers to determine on this nice topic, it was easy to see, that the period must be very distant when they would discover a government in France, with whom they could possibly negociate.

The Duke of *Leeds* was an advocate for the motion, and thought it could not but be accompanied by the best effects. If it did not produce a peace, it would induce every man to rally round the constitution. He said it was amazing to see the infatuation which prevailed with respect to the war. He had found people, who talked as if no proposition could be made for peace, till the British army had either reached Mont Martre, or the French had arrived at Shooter's-hill. For his part, he thought that there was a medium between the extremes of rashness and timidity. He approved of the motion, as being bold, firm, and manly; while the amendment appeared to him in a very different point of view.

The *Lord Chancellor* said, that the motion was a mere abstract proposition, which could not with more propriety be entered upon the Journals than any similar proposition with respect to politics or morals. The Amendment while it included every thing valuable in the motion, had a direct practical inference. The effect of adopting the motion might be to dis-spirit the country, and to encourage the enemy.

Lord *Auckland* said, he approved of the motion so far as it went, but thought it incomplete; it ought to have contained an expression of a resolution to support his majesty in the steady and vigorous prosecution of the war. On this ground he would vote for the amendment, which, however, from the mode in which it was expressed, contained some degree of ambiguity.

The Bishop of *Durham* [The hon. Shute Barrington] said, he should on this as on most occasions, have contented himself with a silent vote, had he not felt that his own character was to a degree implicated in not allowing the House to adjourn, or the numerous attendance below the bar to depart, without adverting to something which had fallen from the noble duke who made the motion, and to certain positions stated by a right rev. prelate, for whose abilities he entertained the highest respect. The noble duke had expressed a hope of support from the bench on which he had the honour to sit founded on the humanity of his motion, and in its tending to stop the effusion of human blood. Could he persuade himself, that such would be the effect of the noble duke's motion, he would be among the first to concur in it. As a friend to peace, as a minister of peace, he was anxious to obtain peace, whenever it could be obtained with honour and security to his country. To treat at a moment like this, with an enemy flushed with rapidity of conquest which scarcely had its parallel would betray a weakness of force and resources which did not exist, and increase their hopes, sufficiently sanguine already, of adding Great Britain and its dependencies to their too widely extended empire. Would not such an enemy, buoyed up with such expectations, either spurn at any pacific offers, or (which he rather dreaded) receive them with professions of amity, for the more destructive purpose of lulling us into a delusive and protracted negociation; of unnerving the public arm, and dis-spiriting the public mind? Would such an enemy as we had to contend with, be inattentive to the obvious advantages which such a conduct on our part would supply? Would not the attack which we must conclude they meditated be rendered more formidable? Would not the contest be more sanguinary? To one drop of blood which would be shed while we were prepared and on our guard, torrents would flow as the unavoidable consequence of the torpid inactivity which would seize all ranks of men, on the supposition that overtures of peace would terminate in tranquillity; and on the subsequent necessity of repelling the invader, and fighting for our property our lives, our beloved sovereign, our constitution, and our religion.—The right rev. prelate, who had spoken with his accustomed talents in this debate, had truly said, that the genius and the precepts of the Gospel were friendly to peace, and that war on christian principles could never be engaged in, but on the ground of justice. In all these premises he perfectly acquiesced, but differed from the right rev. prelate in the conclusion which he seemed inclined to draw from them, as applicable to the present war. Were the injunctions of our blessed Saviour universally obeyed by all who profess his religion, the passions which gave rise to war would be restrained within their proper bounds, and war itself be unknown among the inhabi-

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tants of the globe. But the unjust attack of one nation upon another rendered self-defence both just and necessary, as well as consistent with the strictest obedience to our Lord's commands. The question, then, was this—Was the war in which we were involved justifiable on Christian principles? The bishop maintained it was. The war in its origin, on the part of France, was a war of aggression; on the part of England, of defence. He begged to recall to their lordships recollection, that, during the whole of the year 1792, England most scrupulously adhered to its neutrality; though its ministers must have been aware of the machinations of the French rulers to interfere with our internal government, to excite a spirit of sedition, and to foment discontent among the people. Nay, even the memorable decree of the 19th of November in that year—such was the wish for the continuance of the blessings of peace—did not induce his majesty to proceed to hostilities. The same pacific system was uniformly persevered in till France, at the commencement of the ensuing year, declared war, accompanied by the most injurious language of the revolutionary orators, expressive of their determination to subvert the constitution of these kingdoms, and to introduce into this country the anarchy, the atrocities, and the atheism of that. On these grounds he was warranted in denominating the war a war of aggression; and in asserting that, on every principle, either of nature or Christianity, we were justified in the prolongation of it, till it should please the Almighty Arbiter of events to give that success to his majesty's arms as should afford a reasonable prospect of an honourable, secure and permanent peace. To endeavour at success, required unanimity and vigour; to merit and to attain it, demanded individual and national reformation.

After a reply from the duke of Bedford, the House divided on lord Grenville's Amendment: Contents, 88; Not-Contents, 15.

List of the Minority.

Duke of Bedford	Earl of Buckinghamshire,
Norfolk	Clarendon
Leeds	Shaftesbury
Marquis of Abercorn	Viscount Maynard
Earl of Guilford	Lord Lovel and Holland,
Lauderdale	St John
Albemarle	
Thanet	
Suffolk	

Debate in the Lords on the Bill for continuing the Habeas Corpus Suspension Act.] Feb. 3. Lord Grenville having moved the order of the day for the third reading of the bill for continuing the Habeas Corpus Suspension Act,

The Earl of *Lauderdale* rose to move, that the words "last day of the present session" be left out, and those "of the first day of July next" substituted in their stead. He should state as concisely as possible, a few of the reasons which induced him to move it. The Habeas Corpus act was originally passed by our ancestors, as one of the grand bulwarks of the constitution, for the security of the liberty of the subject against the power of the crown, and it was intended by those who framed and passed it, that it should never be suspended by any other power than that of parliament; nor even by parliament itself, without some certain limited time being fixed for the continuance of that suspension. Judge Blackstone expressly says, "that this act cannot be suspended even for a single day, by any power but that of parliament;" and not even then, but on the clearest proof of some great and important danger to the state, can it be justified. If their lordships would read the words of the bill as they now stood, they would perceive that a power was thereby vested in the crown to continue the suspension of this law, to an indefinite time. Perhaps in the state of the present parliament, as to continuance, it might not be so very material; but it was a dangerous thing to admit a bad precedent, and if this were allowed to pass, it might be quoted in future, where the suspension of the Habeas Corpus act, might be deemed necessary for the general good, to take place in the beginning of a new parliament; and artful ministers might, by using the words "last day of the present session," and afterwards advising the king not to prorogue the parliament, continue the suspension of that inestimable law during the term of seven years. This was the consideration which impelled him to move the present Amendment.

The Amendment was agreed to. On the motion, that the bill do pass,

Lord *Grenville* said, that from the very full investigation which had taken place when this subject was before their lordships last session, it would not be necessary for him to enter into a full detail on the present occasion. It might be thought

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by some necessary to produce some new matter, or to show that some new conspiracy was on foot, to induce their lordships to agree to the present bill; but this, he contended, was not the case. In the outset of the business they had appointed a committee to investigate the business, and from papers laid before them belonging to the societies accused of this conspiracy, that committee had drawn up and laid before their lordships a report, which contained such ample proofs that a conspiracy did exist, as to leave no hesitation on the minds of their lordships, of the absolute necessity of passing the bill. This had been still more fully proved, by a judicial decision. Some of the persons belonging to the societies charged with the conspiracy, had since gone before a jury of their country: by that jury they had severally been acquitted of the crime of high treason. He did not wish to throw the smallest imputation on the verdicts by which they were so acquitted; but he must contend, that their acquittal was no proof that a conspiracy never existed. It only proved that, in the case of those persons, the evidence did not amount to that which the law required in this particular case, to convict the person tried of this greatest of all crimes. The noble lord then took a cursory review of their conduct and practices, as detailed in the report of the secret committee, and concluded with observing, that notwithstanding the acquittal of the several individuals alluded to, there was the strongest evidence that a conspiracy existed at the time of passing the original bill, and as nothing had since appeared to convince their lordships that this conspiracy did not exist at the present moment, he should content himself with moving, "That the bill do pass."

The Earl of *Guilford* believed there never was a subject that underwent so ample an investigation as did that of the guilt or innocence of the individuals lately tried. The result had been, that they were all declared not guilty of the conspiracy with which they stood charged. It clearly appeared, then, that there was no conspiracy. If there had been one, who were the persons concerned in it? Not those men who were tried. Who was it then? Nobody knew. He was, therefore, extremely surprised to hear the noble lord moving to continue this suspension; and at a time, too, when a spirit of loyalty and affection pervaded a majority of his majesty's subjects. In the beginning of the reign of king William, when the abdicating king was still alive, and in arms, many hundreds of people were known to be strongly attached to his interests; yet the Habeas Corpus act was not then suspended, but our ancestors trusted to the excellence of the government, and the vigour and energy of the laws. The same in the reign of queen Anne; and in the reigns of George 1st and 2nd the Habeas Corpus act had not been suspended till rebellion had actually taken place. He saw no reasonable ground for a further suspension of the act in question, and he would therefore give his negative to the motion.

The Duke of *Leeds* could not agree with his noble friend, because the prisoners on the late trials were acquitted, that therefore no conspiracy existed. If any thing had been necessary to convince his mind more than the papers contained in the report, it was abundantly supplied by the defence made by the several prisoners on their trials. He was firmly convinced that a conspiracy of a dangerous nature did exist at the time of passing the suspension bill; and as he could not see that circumstances had so varied, as to render the danger less than before, he should give his hearty assent to the motion.

The Earl of *Warwick* declared himself in favour of the motion. He said, there were certain lords in opposition, who more resembled French demagogues, than lords composing a part of a sober and serious legislature. [Hear, hear!] He was not to be deterred from freely delivering his opinion, by the fear of his words being taken down. He greatly respected an opposition which originated from principle; but when he saw an opposition arising from party purposes, prompted by personal ambition to possess power and place, or degenerating into faction, he then could bestow upon them nothing but his utter contempt. Such an opposition was to be detested as the curse of the country.

The Earl of *Carlisle* denied, that the late acquittals were a complete proof that no conspiracy had existed. He contended, that there were sufficient grounds to believe that a conspiracy did exist, and nothing which had happened since tended to alter his opinion. He did not mean to insinuate that improper verdicts had been

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given; but from the very defence of the persons tried, there could not be a doubt that a conspiracy had existed. His noble friend might as well say, that if a dead body were found with marks of violence upon it, the coroner's inquest could not with propriety bring in a verdict of murder, because they did not know who the murderers were. The next argument, which he was as much dissatisfied with, was, that because a man was tried for a great offence and acquitted by a jury, he must therefore be innocent of every inferior crime, and from the moment of his acquittal, be a fit person to return to society, as an innocent and immaculate character. He admitted that an acquittal at the Old Bailey was a legal washing away of all imputation of that crime attaching upon those individuals. The law could do no more. But there was a tribunal beyond the court, that of the public, who would decide whether a crime had been established, and whether those accused had been the perpetrators of it, though they had escaped the sentence of the Court. In illustration of this, his lordship quoted the case of Crispe against Coke.* The latter was indicted upon the Coventry act, for maiming and defacing the other. He pleaded that he intended to murder. But had this horrid plea been admitted, would the public have considered that avowed murderer innocent because by the law he stood acquitted of every thing laid to his charge? As to finding the bills establishing guilt, he maintained, that evidence did appear before the grand jury, convincing them there had been committed a crime and that certain individuals were supposed to be the perpetrators of that crime: but leaving the establishment of their guilt to a trial by the petty jury. A petty jury afterwards thought it proper to acquit the persons charged; but it did not follow that the crime was merely supposititious. He had last year approved of the measure, and he saw no less necessity for it now; he would, therefore, give it his vote.

The Earl of *Lauderdale* said, that with regard to the suspension of the Habeas Corpus act, he would insist, that no instance could be produced since the Revolution, where it had been suspended, without an absolute and pressing necessity. He had expected, that some new plots and treasons would have been found out; but that was not even attempted. Much had been said of the effect of the verdicts of the juries: he wanted no such proofs to convince him that traitorous conspiracies did not exist in this country. His opinion of the evidence contained in the report of last year, which formed likewise the evidence on the trials, was the same as that delivered by a learned lord (Thurlow) in his place at that time. It was that great man's opinion, that, in the practices of those people, there was much of sedition, but nothing that amounted to treason. Considering all the opportunities that ministers had of superior information and great legal assistance, it was not probable that they would have brought to trial as the chief conspirators persons whom they knew were not so; and that being the case, it followed, that those persons being acquitted, and no other conspirators known, the conspiracy, must be a conspiracy without conspirators. And hence he must observe the inaccuracy of the preamble of the bill, which stated the positive existence of a traitorous conspiracy, founded upon the evidence of those papers and documents, not one of which had been proved. As to the stress which should be laid upon the acquittals, he had no hesitation in stating, that he would certainly prefer the verdict of a jury, deciding upon their oath, after a full investigation of the case submitted to them, to their lordships report, drawn up from papers laid before them by ministers. He deprecated the doctrine that a fair acquittal did not completely do away every degree of suspicion. He quoted the authority of chief justice Eyre, in favour of his argument, and contended, that nothing had been proved against the persons tried, but what could be legally proved against persons now in that and the other House of Parliament; he meant a strong desire to bring about a reform in parliament. He could see no motive for passing this bill now, but a continuation of the same system of alarm with which ministers had deluded the country last year, and which they found necessary to their own existence, after having plunged the country into a most ruinous war.

Lord *Hawkesbury* said, that the verdict of the jury by no means went the length of negativing the existence of the con-

* For the Trial of Woodburne and Coke, for Felony, in wilfully slitting the Nose of Mr. Crispe, see Howell's State Trials Vol. 16 p. 54.

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spiracy; but even if the jury had declared, that there was no conspiracy, he conceived that such a declaration would not be binding upon this subject. He would consider the subject in the latter point of view, merely for the sake of the argument, and suppose that the jury had given it as their opinion that there did not exist a general conspiracy. The subject was examined into with every possible degree of minuteness before the privy council—a council, he would venture to say, as respectable as ever sat; it had the assistance of the law officers of the crown; it had also the assistance of persons who had presided in the courts of law. Upon the fullest examination which the council so composed could give to the subject, it appeared to them that there did exist a conspiracy of a dangerous nature. The business was investigated by committees of both Houses, who, having perused all the documents upon the subject, concurred in the same opinion. The question was then referred to the consideration of a grand jury; and by them bills were found. Here, then, the privy council, the two Houses, and a grand jury, all agreed as to the existence of the conspiracy. But how did it appear that the petty jury differed from them in their opinion of the conspiracy? The probability was, that the juries were satisfied of the existence of the conspiracy, though the guilt of the parties accused was not made out clearly to their satisfaction. It was said, that the acquittal of the jury purged the person from the imputation of moral guilt. But a verdict of not guilty, was not necessarily a proof of the entire innocence of the persons acquitted. No noble lord would say, that every person acquitted at the Old Bailey, was thereby wholly purged of all imputation of moral guilt, or that the jury who acquitted him founded their verdict upon their being satisfied of the innocence of the party accused.—But it had been said, can there be a conspiracy without conspirators? Undoubtedly not: but there might exist a conspiracy, though, at the same time, it might be impossible to bring legal proof of guilt against any individual. Upon the whole, he thought ministers had done their duty in taking the steps they had, and he should give his entire support to this measure.

The Duke of *Portland* said, that a noble earl (Lauderdale) had insinuated that in 1780 he had been a friend to parliamentary reform; and he understood the noble earl in a pamphlet which he had written, had advanced the same charge. He had never read the noble lord's book, and probably never should. That he had ever been an advocate for parliamentary reform, in the present sense of that expression, he most completely denied; that he had supported some measures which tended to an economical reform, was certainly true.

Earl *Spencer* denied, in the most unequivocal manner, that he had ever given his support to a reform in parliament in the present wild acceptation of the phrase. He contended, that a reform in parliament in 1794, conveyed very different, if not directly opposite ideas, to the plans of the reformers in 1780, which went to certain alterations in the House of Commons, some of which had since taken place, such as the bill relating to contractors, to excise officers, &c. When a very young man, he had been induced to join some of those meetings, whose professed purpose it was to bring about a popular reform. But he found there were men amongst them whose purpose overleaped their professions, and he, therefore, withdrew himself altogether. With respect to his recent conduct, he should say, 'once for all, that he should not have quitted his former friendships, if he did not believe that the season had arrived, when it was necessary for every man forgetting his private feelings, to lend his best support to the constitution.

Lord *Sydney* said, it was high time to bring back the House to the question which they had so long lost sight of, namely, the necessity of strong measures to repress the new doctrines that had been lately preached, and avert the danger with which they threatened the constitution. That we may have a proper sense of the danger of those doctrines, let us look to those countries where they have been introduced: let us look to the present deplorable situation of Genoa, which he saw in his youth, and then considered as one of the most happy countries in Europe. Here his lordship enlarged upon the revolution of Genoa, for the particulars of which he referred the House to M. D'Ivernois' most interesting pamphlet just published, which he recommended to the serious attention of every man who wished to know from history itself, the nature of the new doc-

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trines, their consequences, and the means by which they are brought into action. It was to save this country from similar scenes of horror, that he wished to strengthen the hand of ministers; and as he had no doubt that the passing of this bill would be an effectual means of crushing the conspiracy which existed, he should give the bill his support.

The Duke of *Bedford* said, that when ministers last called upon the House for the suspension of the Habeas Corpus act, it appeared to him that there was very little foundation, if any, for the alarm which they had taken so much pains to excite. Under that impression he had opposed the bill last year: but if he thought the measure wrong then, it appeared to him infinitely more so now. Much sedition had been proved on the late trials, but nothing like treason. He thanked God there was energy and virtue enough remaining in the country to pronounce, in such a case, a verdict of acquittal. The acquittal of every man charged with treason was, in his mind, a decisive proof, not only of the innocence of the persons acquitted, but of the non-existence of the conspiracy; for he could not suppose, if it did really exist, that government would not have been able to bring home the charge to one individual. He thought the present was a measure that ought not to be adopted upon light grounds. No such case had, in his opinion, been made out in the present instance; and he should therefore oppose the bill.

The Marquis of *Lansdown* said, that sorry indeed was he to see, that in a moment so perilous as the present, instead of measures being brought forward, calculated to conciliate the minds of the people, to win their confidence, and unite them in the support of government, measures of an opposite tendency were to be persisted in.—With regard to the immediate subject before the House, the Habeas Corpus was one of the best props of the liberties of England; every attempt, therefore, to suspend so important an act, for ever so short a time, must necessarily excite the jealousy of every Englishman. It had been said, that an acquittal only prevented a man from being tried again. This doctrine was subversive of the law of England. The civil law, the Roman law, and the old French law, all had distinctions in their mode of acquitting; but the English law, disdaining such idle distinctions, said, that a man should be pronounced either guilty or innocent. In the Roman usages of law with regard to prisoners, the different modes were, condemnation, absolution, or *non liquet*. In France, and other despotic countries, it was condemnation, waiting for farther information of evidence—and hence perpetual imprisonment, or perchance acquittal. But here our glory was, that a man might demand his own trial, the cause and process of his accusation; and hence he was acquitted or condemned at once. He had read very early in life the excellent book of Chancellor Fortescue, dedicated to the prince of Wales, in which it is stated, that liberty is a property of which we ought to be extremely jealous; in losing a particle by little and little the whole might at last be destroyed.—When the bill of suspension passed last year, he thought it had been proposed by ministers, as a vindication of their own conduct in creating alarms and apprehensions, which they must have known to be wholly groundless, and that when it had sufficiently answered their purpose, it would be suffered to die a natural death. He lamented, from what had passed that day, that he was forced to understand that ministers had more scenes of the same nature to present to the public, more delusions to play off, notwithstanding the fallacy of their former attempt had been so completely detected. Much had been said of the solemnity of the investigation that had been instituted in consequence of the message which ministers had put into his majesty's mouth, on the subject of plots and conspiracies; and great stress had been laid on the zeal, the diligence, and the attention of the committees to whom the papers had been referred, and upon the reports that had been presented to each House in consequence. No man could be farther than he was from meaning to show the smallest disrespect to the committee appointed by that House to investigate the subject in question. He gave them credit for having acted with the utmost circumspection and assiduity; but if he were obliged to decide between the weight of a verdict of a jury, and the weight of the report of any parliamentary committee, he would not hesitate a single moment to pronounce; that the verdict of a jury of plain, honest, and impartial men, acting upon their oaths, ought to outweigh fifty reports of committees of either House, fifty resolutions, or fifty parliamentary proceedings of any nature what-

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soever. Their lordships could not but recollect the strong, but certainly not the most courteous opinion of a noble peer, now no more (lord Grantley), delivered in an inferior court of judicature to that of their lordships. The noble lord had said, that "he would pay no more regard to the resolution of a House of Parliament in a court of justice, than to a resolution of a club or company of drunken porters." The expression was undoubtedly coarse and indelicate, but would any one of their lordships take upon him to say, that it was not well founded? If, then, the resolutions of parliament were liable to be treated with so little respect in other places, why was an attempt made to set them up in opposition to the verdict of a jury, on which the property, the personal safety, and even the existence, of every man in the kingdom depended? — For his part, he never had believed that any such conspiracy against the king and his government existed. He did not pretend to know as much as ministers upon that point; but he took it for granted, that if they could not, with all their power and vigilance, with all their wishes to convict, and all the assistance they had from professional men of the highest authority, obtain a verdict in a single instance, the only reason could be, that after the most patient, solemn, and impartial investigation that perhaps ever occupied the time and attention of a court and jury, there were no sufficient grounds for supposing that a conspiracy had ever been formed. If, then, there had existed no such conspiracy, in God's name to what purpose were ministers about to sow the seeds of new alarms, when the moment had arrived, which called for all the union and all the energy of the people? He heartily wished the people would rouse themselves to a true sense of their danger. Much of the mischief that had happened abroad, had its origin in the dumb and sullen spirit of discontent of the people. Such a silent despondency, when opportunity offered for action, was more to be dreaded than the loud active voice of complaint. In the latter case, timely cure might be administered, hope might be kept alive, and confidence recovered; in the former, remedy would come too late, desperation would bear down all before it, as it had done in France, and relief would be aimed at amid the chaos of confusion, anarchy, and misrule of the moment.

The *Lord Chancellor* said, that the bill was improperly termed a suspension of the Habeas Corpus act, whereas, in fact and in truth, it was no such thing; it gave ministers no such alarming powers as it had been contended it gave them, nor did it abridge or circumscribe the liberty of the subject in the smallest degree, excepting only in the single instance where treasonable practices were suspected. And would any man in his senses contend, that in a moment like the present, when danger of the most uncommon degree pressed upon us, it was not wise and prudent, nay, absolutely necessary, for ministers to take every precaution? Some noble lords had accused ministers of a desire to keep in their hands the extraordinary power, which it had been said this bill gave them. The bill gave ministers no such extraordinary power as had been imputed to it, but it imposed upon them a most painful duty, and attached a degree of responsibility, which every prudent man must be extremely anxious to avoid. The sole operation of the bill was, to enable ministers to detain persons in custody who had been apprehended on suspicion of treasonable practices, till a reasonable time should be allowed to prepare the evidence; which, in such cases, must be of a complicated nature, and if the bill did not pass, persons so circumstanced as he had described, might force on their trials before it was possible for government to be ready with all their proofs in support of the charge. In every other respect, ministers were to the full as responsible as before. They had no more authority in consequence of its passing than any other magistrate; they were answerable to parliament for the proper use of this power: and they were responsible to the individuals by the law of the country.—Much had been said as to the effect of a verdict of not guilty. He would not trouble their lordships by attempting fo prove that which must be clear to every man of common sense, viz. that an acquittal was not always a clear proof of the innocence of the party. He would only remark, that if that were once laid down as a principle, the consequences would be bad indeed; if every verdict of not guilty was a direct proof of the moral innocence of the party accused, then the reverse of the proposition must be true, and every verdict of guilty must be taken, in every case, without exception, as irrefragable proof of the guilt of the prisoner.—With regard to the report of

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their lordships committee last year, he had the honour of having been a member of that committee, and he neither then, nor at the present moment, entertained the smallest doubt of the real existence of a most dangerous conspiracy. The majority of the people was most undoubtedly loyal, and it was to secure that loyalty from seduction that the bill had been brought in. As to the respect due to parliamentary committees and their reports, no man would contend that they were not entitled to great weight. It was true that a late learned lord had treated their resolutions somewhat cavalierly in a different place. The expression was certainly homely, but perhaps on that very account it had made a greater impression than if it had been more civil and polished; but its amount was no more than that the resolutions of either House of parliament were not equal in effect or authority to an act of the legislature. Much, however, was to be allowed for the place in which the opinion was delivered, the circumstances that called for it, and the effect it was meant to produce at the moment. The lord chancellor concluded with declaring that the bill was a measure indispensably necessary to the national security.

Lord *Auckland* would state in a few words the grounds of his opinion that the bill ought to pass. He rested that opinion upon the admission made by all the noble lords who had spoken on either side, that there prevailed throughout the kingdom, a tendency to disaffection, a spirit of sedition, and a love of wild innovation, in the minds of many individuals. With such symptoms at home, in a moment of extreme danger from abroad, he could not agree, that it would be wise to allow the bill for the suspension of the Habeas Corpus to die a natural death.

The bill was then passed.

Protest against the bill for continuing the Habeas Corpus Suspension Act.] The following Protest was entered on the Journals:

"Dissentient,

1. "Because, whatever pretence there may have existed in the last session of parliament, for suspending the Habeas Corpus act, that pretence is now removed: the partial *ex-parte* examinations of the committees of parliament, having been refuted by the verdicts of juries, who with labour unexampled in the legal annals of this country, after duly weighing the evidence of both sides, acquitted the persons indicted for a treasonable conspiracy.

2. "Because intentions hostile to the constitution being entertained by persons, few in number, and devoid of weight and consequence in the country, do not justify the depriving all the people of Great Britain of that security which our laws so anxiously provide for personal liberty.

3. "Because we find that, as soon as those plots and conspiracies (which have heretofore caused the suspension of the people's right to their Habeas Corpus) had been dealt with according to law, and that the conspirators had been convicted and punished, the danger being over, the suspension had dropped. In the same manner, when the proved innocence of the accused has negatived the supposed conspiracy, and when it is not even pretended that any new or other plot exists to continue to suspend this great and essential safeguard of our freedom is equally contrary to the example set us by our ancestors, and inconsistent with that protection, which, as legislators, we are bound to afford to the personal security of all our fellow-subjects.

4. "Because we consider that the national spirit of English freedom, to which was owing the high place that we once held amid surrounding nations, is either checked or deadened by causeless acts of despotism; or that the disgust, necessarily generated by such a conduct, is likely (if any thing can produce such an effect upon this free and enlightened nation) to raise a spirit of disaffection even to the constitution itself.

5. "Because when we trace the history of the Habeas Corpus act, we find, among other securities from oppression, it was chiefly meant to insure to the subject a speedy trial, when accused of treason or treasonable practices, and to avert the tyranny of tedious imprisonment for those crimes. We conceive therefore, that if the legislature is, upon all occasions of suspicion of traitorous acts to suspend the operation of that most important and invaluable statute, security to the subject must be removed, at the very crisis, and in the very case, when it was meant by the wise and enlightened framers of that law most to shield and protect him.

(Signed) NORFOLK, E. M.
BEDFORD.
LAUDERDALE.
GUILFORD."

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The King's Message respecting a Loan to the Emperor.] Feb. 4. Mr. Chancellor Pitt presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty thinks it proper to acquaint the House of Commons, that he has received from the emperor strong assurances of a disposition to make the greatest exertions for the common cause, in the course of the next campaign; but it is represented on the part of his Imperial Majesty, that these efforts cannot be made without the assistance of a loan which his Imperial Majesty is desirous of raising, on the credit of the revenues of his hereditary dominions, under the guaranty of his majesty, with the concurrence of parliament, to the extent of four millions; and it is stated that such a loan, in addition to his other resources, would enable his imperial Majesty to employ, against the common enemy, a force of 200,000 effective men.

"His Majesty is of opinion that, on these grounds, such an arrangement would be beneficial to the common cause; but his Majesty thinks that it would be still more advantageous, if, by the means of a similar loan, to a larger extent, the Emperor should be enabled to employ a force still more considerable; and his Majesty has directed his minister at Vienna to express his Majesty's readiness to recommend to his parliament an arrangement founded on that principle.

"Some temporary advances, which his Majesty was induced to make, for the immediate supply of the Austrian army, under the pressure of unforeseen circumstances, in the latter part of the last campaign, will be included in any arrangement of this nature.

"As soon as the negociation is concluded, his Majesty will not fail to communicate the result to parliament; but, as any measure of this sort is necessarily connected with the consideration of the provision to be made for the current service of the year, his Majesty has thought it right not to delay making this communication; and he relies on the zeal and public spirit of his faithful Commons, for taking such measures as, on a full consideration of all the circumstances, they may think most conducive to the immediate interests of this country, at the present conjuncture, and to the great object of re-establishing on secure and honourable grounds, the peace and tranquillity of these kingdoms, and of Europe.

"G. *R.*"

Ordered to be taken into consideration to-morrow.

Debate in the Commons on the King's Message respecting a Loan to the Emperor.] Feb. 5. The order of the day being read, for taking his Majesty's Message into consideration,

Mr. *Pitt* rose. He said that before he moved an address in answer to his Majesty's message, he should call the attention of the House to the important circumstances in which it was brought forward. The message related to a negociation going on but not finally adjusted. If his majesty should agree to guaranty the proposed loan, it was a subject intimately connected with the question of the supplies. It was proper therefore, that the business should be known as early as possible. It would be impossible to enter into the details of the measure till the negociation should be concluded. If the question was now to decide, whether it was proper for his majesty to guarantee a loan for a particular force, there were three points to be considered. 1st, The utility of the co-operation of Austria. 2d, The security for the performance of the stipulations: and 3d, Whether the risk of the loan itself was greater than the probable advantage to be derived from the measure? The first of these questions, the general policy of the measure, was the most material, and that which he should most fully discuss. Great as had been the prejudices attempted to be raised on the subject, he hoped to be able to refute them by the statement of a few simple points. These were, 1st, The impossibility of procuring peace at the present moment, which had been admitted by a great majority of that House. 2dly, The great and powerful exertions which had been recommended even by those who advised a negociation. We ought, thirdly to consider the enemy with whom we had to contend; an enemy powerful in men and resources, and with whom this country had never so successfully combated as when its maritime strength had been aided by the judicious application of a land force on the continent, in order to weaken and divide the exertions of our opponents. If such was the character of those with whom we had to contend, persons, who had found a substitute for money, by resort-

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ing to resources, which he, however, contended could not be permanent; who had raised an immense land force by the aid of requisitions; and who had been able to make greater naval exertions than at any former period, it was necessary that we should oppose to them the same means which they employed against us. If he was asked, where was the money to combat their resources? Where was the land force to encounter their requisitions? Where was the navy to maintain its superiority on the sea? Such was the proud situation of this happy island, that all these were to be found in Great Britain. If there was any deficiency, it was in the number of our land forces. It was necessary, therefore, that for these we should look to some great power on the continent. And to whom could we look but to the Emperor? Both from the extensive means which he possessed, from his local situation, from the military character of his subjects, and from his interest in the prosecution of the present contest. That nothing was to be hoped from treaty, was sufficiently evinced. If the road of conquest was found to be shorter than that of negociation; if we looked for a power who was interested in the preservation of the Italian states, and to defend those provinces from the incroachments of the French, whose interest it was to defend Savoy, and preserve Piedmont, the emperor was that power—if we wanted a power who would defend Spain, or be a barrier to the French in the Low Countries, the Emperor was that power. But he did not merely rest upon this argument arising out of the general situation of Europe. It was an object of policy to increase our force when considered as acting upon our enemy in another mode. He had the admission of Tallien himself, corroborated by several other commissioners and members of the Convention, that the internal pressure of France was such, that it could not long be supported, unless the immense mass of paper currency was reduced. There existed no way of diminishing this mass, but by a diminution of their expenses, and those expenses could not be lessened, unless their forces were reduced. Since the time that this statement was made, the pressure upon the interior had increased ten-fold, and ever since the first day of this session, things were declining to that point which must terminate in ruin. The question, then, came to this; will you abandon this mode of distressing your enemy—a mode which upon their own confession, will have the most sure operation? It was necessary, therefore, that we should keep them up to the same scale of exertions which must ultimately be fatal to their resources, and, by bringing into the field a force equal to any which they could possibly supply, counteract their professed object, to make peace with some countries, in order that, with a reduced establishment, they might more successfully carry on the war against others. It was probable that the king of Prussia would not come forward with the same force as during the last campaign. This ought to operate as a ground for double exertions on the part of this country. The question was, whether we would be parties to their scheme of policy, by allowing the emperor to withdraw his force for the want of pecuniary assistance, by thus affording fresh encouragement to the French in the prosecution of the war, or accelerating a peace which must in its issue be fatal to Europe, and ruinous to this country? It was in order to pursue the war against this country with unabated rancour, that they desired peace with the other powers of the confederacy. — This argument brought him to the third point; the preservation of our naval superiority. There seemed an unanimous sentiment to pervade the House, that our naval exertions should be limited by nothing short of our power of continuing them: but when the gentlemen opposite opposed this measure, upon the principle of its cramping the navy, they opposed it upon erroneous views of the subject. The proposition, on the contrary, was attended with benefit to the navy. The question now was not, whether the naval interest should be sacrificed to the Austrian loan: but it was, whether, after all the exertions used for the increase of the navy, they would not give such assistance as would be attended with benefit to the common cause, and even indirectly promote the interest of the navy? There were two ways by which we maintained our superiority at sea; first, by increasing our own marine to the utmost extent of which we were capable, and then by pursuing such measures as, in their probable consequences would have a tendency, to weaken the naval strength of the enemy. If by means of assistance granted to the emperor, he brought into the field 200,000 men, the French could not pay theat attention to their ma-

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rine which otherwise they would; consequently, their exertions would be diminished, and our superiority on the ocean would be much greater than if their attention was not withdrawn from their navy and necessarily directed to their military establishment. Taking the question in both these points of view, it was highly beneficial.—He would next examine the objections that had or might be brought against the measure. The first was, as to the reasonable assurances of the fulfilment of the stipulations of the treaty; and secondly, the chance of the burthen falling upon us ultimately supposing the emperor should fail in his payment of the loan. To the first point, a curious sort of argument had been introduced, which, if pushed to its extent, would end in the annihilation of all systems of alliance. It was argued that the king of Prussia had broken his treaty, and that therefore, we should not enter into treaty with any other power. It was said, that we were not to treat with one despot because we had been deceived by a former, an argument that could not be admitted to the extent in which it had been urged, except we were to renounce all alliance and expunge every treaty from the annals of nations. But the subject matter of inquiry now was, whether we had such reasonable grounds of assurance, as had before been thought sufficient to secure the performance of the conditions of a treaty. What, he asked, were the general grounds of alliance between nations? Confidence in their good faith, a sense of common interest, and an apparent sincere inclination to fulfil their engagements. On these grounds he defended the sincerity of the emperor. The faith of Austria had been declared to be notoriously bad; but in his opinion the history of that country would show her to have been faithful to her engagements, except for a period of about two years, which had been remarked as a departure from her general conduct. But could we imagine, that we had no reliance upon the interest of the emperor? He was under the pressing calls of interest and honour, to make respectable efforts of defence. Would he remain content to see the French in possession of the Low Countries? Would he tamely view their encroachments in Germany; or quietly remain a spectator of their conquests in Italy? As far as depended upon the disposition of the emperor, he thought much of that was manifested by the circumstance of his having now applied to borrow money at a large rate of interest, after exhausting and burthening himself with the expenses of three campaigns. Had we not reason to suppose he was perfectly inclined to co-operate with us, when, after the events which had recently happened, he was not discouraged. It was not by this loan separately, that the emperor could make those exertions; at this moment, he was employing every means to raise upon his own dominions, taxes to be directed to the service of the war. With respect to the question of security, was the sum of six millions to be allowed to come in competition with the acquisition of the whole Austrian force? If we compared the sum with the number of troops to be employed we should find that it was purchasing their assistance very reasonably. Though this loan was not adequate of itself to bear the expenses of such a number of troops; yet, if it was granted, the resources of Austria, which, without its assistance, must remain inactive, would be brought into action. If the expense were even ultimately to fall on this country, it would not be impolitic, after having increased our own army and navy to the utmost, that we should, by adding to the resources of Austria, enable her to bring into action a formidable army, which otherwise would remain inactive. This loan was made in the face of the public and solemnly and deliberately concluded in the eyes of all Europe. The conduct of Austria had never been such as to infer that she would, forgetting honour, justice, and policy, barefacedly break the conditions solemnly entered into. In her pecuniary engagement, she was interested above all others, and a breach of faith in them would be attended with consequences destructive to herself. She had ever been obliged to have recourse to loans; and from her situation in Europe, it was impossible she could always maintain it without, at some future day, again entering into a similar transaction. With such a necessity under her view, could she give that fatal blow to her credit which she must give if she broke faith with this country? The chancellor of the exchequer defended the propriety of continental connexions, and observed that Mr. Fox, during his whole political career, had also strenuously defended the propriety of them. He had accused other ministers of leaving the country destitute of allies, and without those powerful connexions on the continent, which were

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essentially beneficial to the interests of this country. Besides all these considerations, the treaty would contain stipulations, providing, that for every 300,000*l.* advanced, an obligation upon the bank of Vienna for 400,000*l.* would be transmitted to this country, and the privilege would also be secured, to sue the emperor in his own hereditary territories, according to the established forms of the courts of justice. Was it likely that, with such privilege vested in us, the emperor, in order to resist its operations, would, in the present situation of Europe, be induced to trample upon every form of law, and to defeat every principle of justice? If, after all, he was asked, if there was no risk, he was not prepared to make this assertion; but that the consideration of risk should be allowed in every instance to counteract every probable ground of hope was a principle to which he could never assent, and that the advantage likely to result from the present measure was such as greatly to over-balance any risk with which it might be attended, was the clearest proposition that had ever presented itself to his mind. He concluded with moving,

"That an humble Address be presented to his Majesty, to return his majesty the thanks of this House for his most gracious message, and for his condescension and goodness in having been pleased to communicate to us the state of the negociation in which his majesty is engaged with the Emperor:—To assure his majesty, that, when his majesty shall be enabled, according to his gracious intention, to lay before us the result of that negociation, and the arrangement relative to the temporary advances made by his majesty in the latter part of the last campaign, we shall proceed to take the subject into our farther consideration with the serious attention which it will deserve: that, in the mean time, we think it our duty to express to his majesty the strong sense we entertain of the advantage which might be derived to the common cause from the vigorous co-operation of a powerful Austrian army in the next campaign; and to offer our humble opinion to his majesty, that, if it should appear likely that that advantage may be effectually secured by enabling his majesty to guaranty, under proper conditions, a loan, to be raised by the emperor, to such an amount as may be thought reasonable and proportioned to the extent of his efforts, the adoption of such a measure may be essentially conducive to the immediate interests of his majesty's subjects at this conjuncture, and to the great object of re-establishing, on a secure and permanent foundation, the peace and tranquillity of these kingdoms, and of Europe."

Mr. *Fox* hoped he should not be considered as exulting in the calamities of the country, if, before he spoke upon the subject of the message, he requested the House to advert to what he had said in the course of the last session. Less than twelve months ago, at that unfortunate period when parliament agreed on granting a subsidy to the king of Prussia, he called upon the House not to adopt such a measure; and he said, that, large as the sum was which was then asked for that subsidy, the consequence would be if it was granted, that applications would come from other quarters, and to a still larger amount.* Had not the event justified what he had said? He laid no claim to merit for what he had said on that occasion; no extraordinary sagacity was required to make the prediction, as it was termed; it appeared to him the natural result of what was then going on. The chancellor of the exchequer had commenced his speech with some general observations on the policy of this country having certain continental alliances. He was ready to own, that, with a view to general policy, it was prudent for this country to have continental alliances; but, like all good rules, it was subject to modification by circumstances. To be so bigoted to any rule as not to allow that circumstances might alter it, was the height of absurdity. With regard to what the right hon. gentleman had said that night, his expressions last year on the subject of the Prussian treaty, had been word for word the same. This showed us that the opinion of the right hon. gentleman was never to be altered by events. The right hon. gentleman had last year said a great deal upon the faith of the king of Prussia, his interest and his inclination; the security we had from his desire for military glory, and from the interest he had in the contest. We all knew the result of that unfortunate treaty; and he believed that the arguments which had been used then in favour of the king of Prussia, and those

* See p. 444 of the present Volume.

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which had been urged this night in favour of the emperor, were just as applicable to the one as to the other of those two princes.—The right hon. gentleman, in the beginning of his speech, had said that the majority of the House thought with him that peace was unattainable at present. That might be the opinion of the majority of the House; but certain it was, that the right hon. gentleman himself had, a few nights ago, prevailed upon the House to evade that very question, by the amendment which he had moved; and, therefore, it was rather too much to say in that House what was the opinion of the majority. With respect to the right hon. gentleman's observations on the speech of M. Tallien, he intreated the House to be cautious as to the credit they gave to any account of the decay of the resources of the French. The resources of the French might fail, but it was the great business of that House to take care that the resources of England should not fail in contending with France; and would the right hon. gentleman say, if this loan were entered into, and should be eventually paid by this country, that it would be possible for us to carry on the war for many years to come? It was said, that the money to be advanced for the loan could not be applied with advantage to the service of the navy. Possibly not for this year, but could it not be kept in reserve for future years? We ought to look to the means of continuing the war for any number of years that might be necessary. It was said, that with the whole six millions we could not add a ship or a man to our navy at present. This was a little difficult of proof; for he doubted very much whether the application of some of that money to the service of the navy might not be very efficacious even for the present year; in future years it certainly might. But let the House inquire whether the right hon. gentleman's doctrine upon this point, although probably false with regard to our navy this year, was not strictly true with regard to the navy of France. Did the right hon. gentleman himself believe that the naval exertions of France were in any degree cramped, although in future it was to be hoped they might be, for want of pecuniary resources? Did he think that France would now have a greater naval force if she had no continental armies to oppose the last campaign? The navy of France, notwithstanding all the exertions she had been obliged to make by land, was as great as her comparatively small commerce, and perhaps want of naval stores, would permit, and there was no ground whatever to suppose but that in the course of the present year, it would be as great as money could make it.—With respect to the general policy of employing foreign troops in this war, he could not help arguing, from experience, that little reliance was to be placed upon them. The right hon. gentleman knew how much of the money of this country had been already squandered for such aid; and every body knew what had been the conduct of our allies. It had been confessed that there were points in the conduct of the Austrians difficult to explain. He believed it not only difficult, but impossible, to explain those points in any satisfactory manner. It was no wonder the right hon. gentleman declined entering into a detail of conduct which involved every thing that was suspicious. But ought he not, before the House voted such an enormous sum of money, to give some account of the conduct of the Austrians before Tournay? Ought he not to assign some reason for their precipitate evacuation of the Netherlands, and that too, against every remonstrance of the commander in chief of the British forces? And afterwards, when the British army had been obliged to retreat, and by the apparent diminution of the French force there seemed to be a favourable opportunity for acting offensively, ought he not to give some account of the surrender of the captured fortresses? Ought not a British House of Commons to have these things explained before they reposed this unlimited confidence in the House of Austria? In the latter part of the campaign, it was said the Austrians acted better. Possibly they might, for then they began to be paid for their trouble; but was it not notorious, that the duke of York was left at only thirty miles distance, to judge of their intentions by speculations on their movements, as he might have done of the intentions of the enemy? Were these points to be explained or were they not? We were not to reason, is was said, on the present occasion, from our recent experience of the king of Prussia's conduct. The defence of that conduct, as well as all hope of future aid from that quarter, was now given up.

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The king of Prussia stood with the right hon. gentleman now as he long had stood with the public. It was now too clear to be denied, that his real object had been the partition of Poland, to aid him in the accomplishment of which, he accepted of a subsidy from this country. Might not this be the case with the emperor, who had also views upon that devoted country? But the House of Austria, it seemed, must be thought remarkable for consistency and good faith. Was it so? Let the House read the two manifestoes issued by the prince of Saxe-Cobourg, in the case of Dumourier, and nothing more iniquitous would be found in all the reprobated conduct of the French. In the first, he exhorted the French people to co-operate with that virtuous man, Dumourier, in the restoration of limited monarchy, with assurances of the most disinterested aid and protection on the part of the Emperor. Five days after, finding the "virtuous" Dumourier not followed by his army, as had been expected, he issued a second manifesto, recalling all the promises made in the first. An instance of greater perfidy was not to be found in the history of the world—perfidy not exceeded by the conduct of the king of Prussia with regard to Poland. This was the ally to whose faith implicit confidence was to be given. He was ready to say that he would trust neither Prussia nor Austria, while their councils were directed by the same persons.—The right hon. gentleman had said, that the Emperor had various motives for maintaining the credit of his finances by good faith, of which he gave several instances. With respect to his interest in the war as an independent prince, he never could discover it; and with respect to his interest as head of the Germanic body, was what they had all read in every newspaper, true or not? In concert with other members of the diet he had agreed, that while preparations were making for another campaign, serious endeavours should be made to open a negociation for peace. Such was, in substance, the resolution adopted on the proposition of the elector of Mentz. Let it be supposed that the empire having declared a readiness to negociate with the French republic, should conclude a peace; upon what side of France was the Emperor, as duke of Austria, to make his attack? If the empire were at peace with France, would it be the interest of the Emperor, or would it be in his power, to fulfil his engagement with us for continuing the war? We were now in a peculiar stage of the business, and it became us to consider our situation very attentively. Four millions were to be given to the Emperor, for which he was to furnish 200,000 men, and perhaps two millions more for a proportionate addition of men. Now, should not the House be satisfied that this was in the Emperor's power? He knew many well-informed men who doubted it exceedingly. He believed the Emperor had it not in his power; but he was sure the House ought to know that he had both the power and the inclination, before they granted him such a sum of money.—He now came to the Emperor's resources, and his ability to pay the interest, which the right hon. gentleman said might be safely depended upon. To this the answer was short: if the right hon. gentleman were a better arguer—if every thing he had said were true—if even the Emperor had still greater resources, he would find it difficult to persuade those who seldom judge amiss where their own interest is concerned, namely, those who had money to lend, men who were better judges of the solvency of a borrower than any minister could be. These were the men the minister should have convinced of the stability and wealth of the bank of Vienna. Had he done so? By no means. The Emperor had already tried them upon better terms than were held out by the present loan, and had completely failed. It signified nothing, to make panegyrics upon the good faith of the Emperor, and upon the solvency of the bank of Vienna. Let the minister go into the city and hear the opinion of monied men. The answer it was easy to guess. It reminded him of what he had said the other day on the verdict of a jury: "The verdict is 'not guilty,' and that satisfies me of the innocence of the accused." The answer of monied men to the Emperor would be, "I will not lend you my money upon your own security." This would satisfy him of the insolvency of the Emperor. Now let it be inquired what we must actually lose, even in the event of the Emperor fulfilling his engagement. He offered a high rate of interest upon his own security. We enabled him, by the proposed loan, to borrow at a low rate, and as money and credit were both marketable, we lost precisely the difference.

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This loan was more objectionable even than a subsidy. Subsidies in general were paid by monthly instalments, and if the services stipulated for were not performed, we could stop farther payments, as in the case of the king of Prussia. But could we do so here? By no means; for if the Emperor should fail at any time to fulfil his engagement, we should still be obliged to pay the whole amount of the loan. If he should fail to pay the interest, we should have to raise 450,000*l.* a year to make it good, while for the same sum we could borrow ten millions on our own account. What security had we that the Emperor would be able to fulfil his engagements? We all knew that his subjects were unanimous in their wishes for peace. Should he listen to them, and withdraw entirely from the contest, could we withdraw from the payment of the loan? No: the credit of this country would be pledged for the whole sum, and it might be impossible for us to recover a shilling of it. The right hon. gentleman had said much on the revenue of the Emperor. He wished he had stated the particulars, and the surplus after defraying the charges upon it. The Austrian Netherlands were the security offered for the former loan, but they were now gone. Did the minister himself really believe the state of the Emperor's revenue to be such as to enable him to pay? If he was not able, we might pronounce as many panegyrics on his honour as we pleased, but after all we must pay for him. He instanced the case of the Silesian loan, where the late king of Prussia refused to make good the engagement to private lenders. If that monarch, for despot he must not be called, could find a pretext for refusing to pay private individuals, with how much more ease might a pretext be found between two nations? The situation of the country was indeed calamitous, but not so calamitous as it must soon become if this measure were adopted. This loan was to enable the Emperor to continue the war only for twelve months. Would the minister say that this war would be terminated within that period, or that if it continued longer the Emperor must not come every year for a like or a larger supply? We should remember the finances of the king of Spain; he might, and probably would, come for our assistance, if peace was not soon agreed upon between him and the French. This was not, as he had been told on a former occasion, the language of peevishness and passion; what he had already said had been verified by the event, and what he was now saying he had too much reason to apprehend would be verified in the same manner. Was the right hon. gentleman confident that the war would terminate with the next campaign? And was he sure that this war, which he had undertaken for the sake of order, morality, and religion, and with the concurrence and for the safety of all Europe, would not at last fall entirely upon us; that we should not have to pay all the expense of it on the part of Vienna, Sardinia, Naples, Spain, and ourselves? That we should not have, in short, to pay for the armies almost of the whole world? He might be asked, if we did not do this, what should we do? He would answer, add this money to our naval strength, and depend upon our own exertions, instead of depending on treacherous allies; for then we might be able even yet to sustain six or seven more campaigns; but by the present system that would be impossible. The conduct of ministers was highly censurable for their want of caution in this war. He was of opinion, that the Dutch were not cordially with us in this war, and the event had justified the opinion. How stood the case with respect to the other powers? Were the subjects of the different states attached to this cause against the enemy? He feared that if we compared them together, we should find they were not. He had reason to know that the king of Prussia had actually refused to put his troops under the command of a British general, for fear they would revolt. He believed the same apprehension was entertained of the Austrians. He wished his royal highness the duke of York could but take a chair in that House, and give them the information he was possessed of upon that subject; for he was convinced that the effect of that information would be, that we could have no rational hope of the co-operation of the Prussians and the Austrians in the next campaign. This being our situation, the question was, whether it was prudent in us to go on with such enormous loans, or to trust to ourselves, to offer peace, but to prepare for war? He was sure he knew which was the wiser course, and it was not his fault if that House did not adopt it; if we went on upon such measures as that which was now proposed,

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we should drive ourselves rapidly to ruin, for, in point of extravagance and folly, this measure was never equalled at any period of the existence of this country. The right hon. gentleman had stated, that this loan was not to affect the supply of the year. So much the worse, for then the people would not now feel the effects of it, and it might come upon them on a sudden when they were unprepared for it, and the danger of that sort of delusive hope of security was one of the greatest evils that could happen to a people. He thought, therefore, that if this business was to go on, the better way would be to provide for it at once, by raising taxes: then the people would see the real situation they were in, and would know what burdens they must bear; whereas, the other mode only tended to deceive for the present, in order to make their distress at a future day the more intolerable. There were many other objections which he had to this measure, but these he might perhaps submit at a future period. Mr. Fox then moved as an Amendment, that all the words after the word "desire," should be left out of the address.

Sir. *W. Pulteney* supported the address. The expense was, he said, inconsiderable, when compared with the benefits that might ensue from so great a reinforcement of military strength on the continent.

The question being put, "That those words stand part of the question;" the House divided:

Tellers.

Yeas	Mr. Rose - - - - Mr. Sargent - - -	173
Noes	Mr. Whitbread - - Mr. William Smith -	58

So it was resolved in the affirmative. The main question being then put, the Address was agreed to.

Debate on the Budget.] Feb. 23. The House having resolved itself into a Committee of Ways and Means,

Mr. Chancellor *Pitt* rose. He observed, that it was his duty that day, to lay before the committee, a subject which necessarily branched out into many extensive details. The first head, to which he should call their attention, was, the amount and particulars of the various sums they had voted, or estimated, for the immediate service of the year; to which, he proposed to add such articles of unfunded debt, or expenses unprovided for, and such farther charges as were likely to arise from the situation of affairs, and to be incurred in the course of the year. The next consideration would be, the ways and means by which these sums and estimates might be defrayed, including the loan. He should then consider what were the taxes by which he proposed to defray the increase of annual charges which must be supposed to arise from that loan, or from any unfunded debt, or extraordinary expense that was now unforeseen. When he had done that, he thought the committee must be acquainted with the outlines of all the circumstances that related to the subject; with the addition of some observations respecting the state of the country, its credit, its revenue, its commerce, and resources; by which they might be able to judge of the ability of the nation to bear the extent of those large burthens which had been rendered unavoidable by the continuance of a just and necessary war. He should begin with stating, the amount of the supply. The first service was, that which related to the navy. It was hardly necessary to state that 100,000 seamen had been voted for the navy for the present year, the charge of which, according to the usual rate, was 5,200,000*l.* at 4*l.* per month per man, though that was not fully sufficient. The next charge was the ordinary of the navy, which amounted to 589,683*l.* 3*s.* 9*d.*, and the extraordinaries to 525,840*l.* Total of the navy, 6,315,523*l.* 3*s.* 9*d.*—The next service was that of the army. The principal charges of the regular army amounted to 5,341,000*l.* There was voted for the militia and fencibles, &c. 1,607,000*l.* The amount for foreign troops was 997,000*l.*, which was nearly the same as last year. To that must be added a sum not yet voted by the committee, which was 200,000*l.* by way of subsidy to the king of Sardinia. In addition to that there was 427,000*l.* for a French corps. These were the extraordinaries of the army, &c. 3,063,000*l.* The whole of the army expenses, adding all these items together, amounted to 11,241,000*l.*—The next principal head was the ordnance, the total amount of which was 2,321,000*l.* In addition to that sum there were two sums which had not yet been voted. The first of these was an old debt that was due to the landgrave of Hesse, amounting to 68,000*l.* The other was a sum due to the representatives of Mr. Oswald, of 41,000*l.* — The next

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head was that of miscellaneous services, amounting to 257,000*l*. In addition to these there was to be added the sum of 200,000*l*., which he began some years ago to apply towards the discharge of the national debt, over and above the original million, and over and above the provision that had been made by a late act of parliament, which provided that not only the interest of every new loan should be punctually paid, but also 1 per cent. of the capital. There was another sum which had always been taken into the account, under the title of deficiency of grants, and that sum amounted to 745,000*l*. Besides that, it had always been usual to state as a part of the estimates of the year, the deficiency of land and malt, which he stated at 350,000*l* In addition to that, there were 6,000,000*l*. in exchequer bills to be provided for. The whole of these sums amounted to 27,540,000*l*. and constituted the whole of the supply of the year.

Having stated the whole of the Supply, he next proceeded to the Ways and Means by which that supply was to be raised. He estimated the land and malt at 2,750,000*l*. To that was to be added, the growing produce of the consolidated fund, from April 5th, 1795, to April 5th, 1796. This he estimated at 2,235,000*l*. The exchequer bills to be taken into the account in the ways and means, were 3,500,000*l*. The next article was the loan for 18 millions. These sums added together, amounted in all, to 27,145,000*l*.

Before he stated the amount of the annual interest which arose from the loan of 18 millions, he would state what were the terms on which he proposed to agree to that loan. The motives which led him to think it his duty at an early period to ascertain on what terms persons were willing to subscribe so large a sum as 18 millions, were those which he had, on a former occasion, stated more at large. He conceived it his duty to propose the means of furnishing, by the credit of this country, a large pecuniary assistance to the Emperor, if the consequence of such an engagement was likely to furnish a great military force to join us in the next campaign. It became necessary to ascertain how far the terms of that loan might be effected by his majesty recommending to parliament, to guarantee the loan which individuals might furnish to the Emperor. It might naturally occur, that the idea of a large loan of four or six millions, might materially interfere with our procuring money, by a loan, for our own immediate purposes; and he was not without apprehensions, that such would be the case. As soon as a proposal had been made, to furnish a sum to his imperial majesty, on those terms which the court of Vienna was willing to give, persons readily stood forward, not only to furnish, without difficulty, the whole of the sum wanted for this country, but, on consideration of the guarantee of Great Britain, the sum also which was wanted by the Emperor. A general statement of this loan would appear highly satisfactory. He should state the terms of it very shortly. For every 100*l*. sterling, the subscribers had a capital of 100*l*. stock in the 3 per cents., a capital of one third of 100*l*. in the 4 per cents., and of the long annuities 8*s*. 6*d*. for the same term as the long annuities. It was subject, however, to this alternative: if the loan should take place to the Emperor, to the amount of six millions, which would be one-third of the loan which was wanted for the immediate purposes of this country, then the subscribers for every 100*l*. of that loan should be entitled to one-third of 100*l*. in the Emperor's loan, and to a proportionable bonus of that loan. Or, if no loan should take place to the emperor, and parliament should think fit to grant terms equivalent to that proportionable bonus, it should be added to the long annuities. In that case, they were to have an addition of 4*s*. in the annuities, which, at the current price, of between 19 and 20 years purchase, was a difference somewhat less than 4*l*. per cent. He should suppose the Emperor's loan took place to the amount of six millions, and that question would not be precluded from coming before parliament, by the vote of that night; he should consider, on the supposition of that loan taking place, what would be the amount of the interest which the public would give for every 100*l*. of the 18 millions. It would amount to the sum of 4*l*. 15*s*. 2*d*. When he recollected the loan of 11 millions, in the course of last year, the terms of which were admitted universally to have been as favourable as could be desired; and when he considered that this year we had borrowed so large a sum as 18 millions; that we were entering on the third year of a war, under the different circumstances that had taken place

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in various parts of Europe, he must certainly feel, that, on the first view, it was matter of satisfaction and consolation, that a sum so large, and on so great an emergency, could be procured on terms so favourable. In the event of no loan taking place for the Emperor, he must then take into the account, the 4*s.* of long annuities, and that would make the annual interest, 4*l.* 19*s.* 2d. which was still below 5 per cent. Taking it in that way, they were able to raise 18 millions under 5 per cent. in the third year of a war. Comparing this statement with the history of other wars, that circumstance alone was no slight symptom of the flourishing state of the resources and credit of this country.

The whole interest of the loan, the excess of navy debt, &c. to be provided for by new taxes, amounted to 1,637,000*l.* His principal object in these taxes would be to make them as productive as possible, without at the same time drying up the source. He should state some sources of revenue of considerable amount, and which were of such a sort, that an increase of the taxes on them would not be materially felt. The first article was that of wine, the duty on which was considerably lowered some years ago, in order to purchase a commercial treaty with France. The motive that led to a reduction of the duty no longer existed. Previous to that period, great frauds had taken place in that branch of duty; but it was not so much with a view to put an end to those frauds, as to accomplish the other object he had stated, that the wine duty had been reduced. He believed that a different price, which was not very enormous, would make no material difference in the consumption. With respect to frauds, they could only be of two sorts, fraudulent importation or adulteration in this country. As to the first, wine was the least susceptible of smuggling, and particularly during the existence of a war like the present. With respect to adulteration at home, he conceived that a great increase of duty would not have a very material effect on it. Every body would go along with him in thinking, that port-wine could bear a heavier duty. At present, it was 15*l.* a tun. He wished to tax it in such a manner, that the duty might be calculated equally, when it was retailed: 3*l.* 7*s.* for every tun, would make an addition of one penny per bottle, or a shilling per dozen, and six times that sum would be somewhat more than 20*l.* per tun. This would be an additional 6*d.* on every bottle, and 6*s.* on every dozen. It was computed that about 29,000 tuns were imported which, calculating at 20*l.* per tun, would produce 580,000*l.* but he meant only to calculate it at 500,000*l.* —The next article was foreign and home-made spirits. He meant to add the same additional duties as last year; that was to say an additional 8*d.* on every gallon of rum, 10*d.* on every gallon of brandy, and one penny on British spirits. These would produce 259,000*l.* The next article he had to submit to the committee had formerly been the subject of a great deal of discussion. A very great reduction had been made, which according to some gentlemen, was a very hazardous experiment, for the purpose of preventing frauds. The duty on tea was commuted for a very heavy additional tax on windows, which was called the commutation tax. A moderate addition to that article might be advisable. The present duty on tea was 12*l.* 10*s.* per cent. He meant to add 7*l.* 10*s.* per cent., which would make the duty 20*l.* per cent. which he calculated would produce 180,000*l.* and an additional duty on coffe and cocoa was computed at 40,000*l.* These together made a sum of 220,000*l.*—The next article was wholly of a different nature. He might say negatively, that it was not likely to be felt any where as a material inconvenience; and as a collateral circumstance of satisfaction, in stating this, it did itself afford a striking proof of the extent of the commerce of the country. He alluded to the insurance on ships and cargoes Insurance was carried on with so much advantage in this country from the good faith that was observed by our underwriters, that many respectable merchants thought a slight additional tax was not likely to hazard a diminution in the insurance. It would be matter of satisfaction and surprise, for the House to be informed, that the capital annually insured in this country amounted to 120 millions sterling. The tax he meant to impose on insurance was only 2*s.* 6*d.* on every 100*l.* capital. This he computed at 130,000*l.* Another species of insurance was that on lives. He proposed 10 per cent. in proportion to the premium. From the best information he could procure, this was likely to yield 30,000*l.* per annum: which, added to the other sum made 160,000*l.* The next were a description of articles on which the increase was not likely to be much felt.

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They arose from different articles of the customs. He calculated them at 77,000*l.* per annum. The duty on raisins was computed at 7,000*l.*; on lemons and oranges at 5,200*l.*: on some species of silk at 8,000*l.* The tax on coals exported was computed at 25,000*l.* This tax was meant only to fall on foreigners, as all coals exported to any of our own dominions were to be free from this duty. The duty on rock salt, he estimated at 7,400*l.* Another article which came under the customs would bear a moderate tax; that was fir timber and deals. That tax was computed at 110,000*l.*, which being added to the 77,000*l.*, made 187,000*l.*—The next were certain articles of stamp duties on affidavits, original writs, agreements, indentures, and probates of wills, which could be raised with little inconvenience. The duty on these he computed at 10,000*l.* He proposed a small additional tax on receipts. At present, a receipt for above 100*l.* only paid 6*d.*; he proposed it should be 1*s.* He proposed no other tax, till it amounted to 500*l.* and upwards, and that then, instead of being 1s. it should be 2*s.* These would amount to 68,000*l.* There remained two other articles, one of which applied to the members of that House. He wished to introduce some regulations on the present system of franking. The House for a period of years, had thought it right to restrain that privilege by certain regulations. Those regulations had not, however answered the purposes for which they were intended. Gentlemen, from good nature, had been led in various instances to go farther than was intended. In the next place it was certainly never intended that the privilege of franking should be a source of emolument to particular individuals. He meant, therefore, to propose certain regulations, the general object of which was, to restrain the number of franks sent or received by any one post, and also to restrain them in regard to weight. There remained another article, which, if the burthen his duty obliged him to lay upon the public were not too serious, he should apprehend the House would hardly hear with gravity, and which also applied to every member of that House. He meant a general licence, at one guinea a head, for every person who wore hair-powder, the names to be registered and published, that no person who chose to indulge in the luxury might hope to evade the tax. The only persons upon whom this could fall heavy, were those who, with small incomes were placed in such situations as obliged them, to a certain degree, to comply with the fashion of the day. There were others who, although, perhaps they could ill afford it, would be prompted by vanity to wear what other people wore; but vanity was at least as fair an object of taxation as luxury. No small number, such as servants, used hair-powder, to gratify the vanity of their masters, who must necessarily pay the tax. This tax would, he thought produce 210,000*l.* The whole of the new taxes would amount to 1,644,000*l.*

He should now conclude with calling the attention of the House to the apparent view of the situation, credit, and resources of the country. Considering the necessity there was of imposing burthens on the people, it was matter of satisfaction, that they could with so much facility make the provision for carrying on the present just and necessary war. The very articles he had proposed for taxation showed the sufficiency of the country to meet the necessary burthens, and the circumstance of being able to raise so large a sum by loan, was a strong proof of the high state of the national credit. From the average of the revenue for several years, it appeared that we were now in the third year of a war, in a situation of prosperity in which we had never been placed in any former war. The different taxes imposed in 1791, 1793, and 1794, had been productive beyond the example of any former period of hostility. Not only had we been able to provide for the exigencies imposed by our situation, but from the progress which had been made in raising a fund, with a view to discharge our national debt, a sum of not less than 1,800,000*l.* was now applicable to the purchase of stock for that purpose and that he considered as one of the principal circumstances which supported the credit of the nation, and animated the hopes of the commercial men in this country. They were anticipating their burthens and providing for them; and if they were under a temporary necessity of contracting debt in a struggle for their existence, they had not only not broke in upon the plan for reducing former debts, but they were paying off those which they had just contracted: and therefore they found the credit of the country undiminished by the unprecedented demands which the unprecedented attacks of our

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enemies had rendered indispensably necessary. But the security for the continuance of the national prosperity did not rest on the temporary state of the revenue or of credit; but on the unexampled and increasing extent of the commerce of the country. The total amount of the trade during the last year of war, not only exceeded what had been the average of former years of war, but even what had been the case in the brightest periods of tranquillity. The export of domestic manufactures during the last year was only exceeded by the exports of two former years of the greatest prosperity which this country had ever known, and our foreign trade, in point of extent, surpassed even the results of the most flourishing years of peace. In 1792, the highest year ever known in peace, the total exports were 18,336,000*l.* in British manufactures. The total exports of 1794, are 16,301,000*l.*, being in that respect less by about two millions. In 1792, the imports were 6,563,000*l.* In 1794 they were 8,868,000*l.* The total in 1792, was 24,905,000*l.*; in 1794, it was 25,169,000*l.* He should only add, that while he dwelt with pleasure on the steady and growing resources of the country, he did not feel the less regret that we were compelled to apply them to meet the inevitable evils to which we were subjected in the prosecution of the present just and necessary war: nor did he feel the less desire for the restoration of the blessings of peace, on a secure and permanent footing. Mr. Pitt concluded with moving his first resolution.

Mr. *Fox* said, that the right hon. gentleman had before him the experience of two loans, opposite to each in a certain degree; the one of them made last year, and the other, perhaps the worst for the public that any minister ever concluded, and which was in the year before the last; he could have hoped that, with that experience, he would have encouraged competition among the subscribers. This was a mode upon which many members had bestowed their approbation. The right hon. gentleman had taken great credit for having opened that system of competition, and therefore he expected to have heard that night some reason for adopting a plan liable to so many objections. It had been stated that, fortunately for the public, the loan had been made a considerable time since; so that a much better bargain had been made for the country than could have been expected. He might be disposed to grant that this was the case; yet it was necessary also to look to what had been advanced, as to the advantage of the bargain to those who had subscribed to the loan. It had been said, that they had a profit of 2½ per cent. on 100*l.* advanced, and that the fall of the stocks had brought it to 2 per cent. It would, however, be necessary to consider the circumstances of the funds at the present time. The 3 per cents. were that day at 61½; the 4 per cents. at 79; and the long annuities at 18½. On this estimate the value of one-third of the 4 per cents. would be 26*l.* 10*s.* and the long annuities would amount to 7*l.* 13*s.* making in the whole 95*l.* 13*s.* to which, adding the discount of 2½ the result would be 98*l.* 3*s.* Exclusive, therefore, of the additional 4*s.* which they were to receive on the long annuities, in case the Emperor's loan were not guaranteed, they had not a profit of 2 per cent. and taking that into the calculation, the profit at present would only be 3*l.* 13*s.* So that whereas in common 2½ per cent. or more, was the profit which had been usual for subscribers to a loan, in the present instance the amount was only, on the most favourable calculation, 2*l.* He hoped no one would say, that this was so much the better; that they would look at the principle of the thing and consider that it was possible that the change of the funds might have been as disadvantageous to the public, as it now was to the subscribers; and therefore, that they would not sanction the principle of making a bargain for the loan, so much before the proper time. It had been stated to the committee, that there was another bonus, viz. the advantages to be derived from a share in the Austrian loan. Mr. Fox then proceeded to state, that this loan was an extravagant bargain. It was a dangerous loan in two ways: first, it was dangerous because there was to be no provision made now for the payment of it, if the Emperor should fail to fulfil his engagement: secondly, it was dangerous, because, in proportion as the terms were disadvantageous the probability was less of the Emperor being either able or willing to fulfil his engagement. In the first place, supposing the terms of this loan to be as advantageous to us, and consequently as disadvantageous to the Emperor, as any one could state it, that was not very honourable to us as a nation, lending its credit to

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guarantee the payment. In the next place, we should remember, that those who are the readiest to comply with exorbitant demands, are the least likely to be punctual in fulfilling their engagements. He did not like to treat a subject so serious as this with levity, but he could not help remembering a scene in a very good play, the Confederacy, where Mrs. Amlet says of her company, "They never make two words about the price; all they haggle about is the day of payment." This, he feared, was too much the complexion of the case here; for the loan on the part of the Emperor was extravagant in a very high degree. He would maintain that the Emperor was to pay the enormous sum of 36,000*l.* for our guarantee merely. This, although an apparent advantage, was not so in reality; for the loan to this country and the loan to the Emperor were so far from being independent of each other, that they were a good deal connected. With respect to the general views which the ministers had taken that night, he agreed in some, and differed materially in others of them. The right hon. gentleman was sanguine in his ideas of the revenues of this country. To a certain extent he could follow him in those ideas; but could not travel so far. His reasoning that night did not appear to be conclusive; he admitted that the revenues of the last year were inferior to the year before the last, but then he said that it was the third year of the war, and the deficiency he ascribed, in a great measure, to the non-arrival of a valuable fleet. Now, he wanted to know upon what principle the minister calculated, that the revenue, which was less last year than the year preceding, would be better in the next, and that we should go on in a state of improvement, when the only evidence we had was, that we had been lately declining. With regard to the taxes, some of them were such as he had no objection to; but there were others on which some observations ought to be made. As to the tax upon tea, he feared the minister had not reflected enough upon that article when he brought it forward; indeed, the way in which he had treated that part of the subject proved it. He had taken two ways of arguing, which could not be both right, because they were inconsistent with each other. In the first place, he treated it as a luxury, and, as such, a fair object of taxation; and then he observed, that if the lower class of people disused it, the probability was, that they would find something better for their health. Now, with regard to the poor, he feared that tea had of late years made a great part of their consumption, and possibly the tax now proposed might compel many of them to abandon it; but then, how did that accord with the other argument of its being an article of luxury, and therefore a proper object of taxation; because if it was a tax to be at all effectual, it should be such as the consumers would not abandon on account of the tax. To the tax upon wine, he had no objection, except that he did not wish the retailer should have an unfair advantage. As to the taxes on spirits, he must observe that they were temporary, and although this war was not to last for ever, yet we should want this money long after the war was over. To the hair-powder tax he had no objection, except the uncertainty of its produce; for he who relied on the fashion of the day, built upon a slippery foundation, and therefore an attempt to raise upon it a permanent revenue was highly imprudent. He knew there were habits that amounted to a kind of second nature; but was the use of hair-powder of this description? It had been suggested, that the whole of it should be abolished, on account of the article being wanted for a much more worthy use. What if the House should finally be of that opinion? There would then be an end of that part of the revenue: 210,000*l.* annual revenue might be done away by necessity. This was not all, for it was subject to caprice and whim, and that depended on a few persons of rank, whose taste in dress led the fashion; so that ten or a dozen individuals might put an end to the whole 210,000*l.* revenue in the course of one hour. He thought it therefore a very unsubstantial article of revenue. The minister said, he had great satisfaction in reflecting that we were proceeding in the diminution of our old debt. He had as much satisfaction in that point as it was possible for the right hon. gentleman to have, but he was not so bigotted to that plan as not to perceive the magnitude of the new debt, which we were every hour increasing. The expense of this war had been stated to amount already to fifty millions. We had added to the funded debt a capital of 46 millions, by the loans of the years 1793, 1794, and the loan of this day: to that might be added a mighty load of

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unfunded debt. He understood there was an idea of funding the floating debt of the navy at 5 per cent.; or that for every 100*l.* there should be allowed 108*l.* He should say nothing of the merits of the plan now, but he should like to know why something of that sort was not to be adopted with respect to the present loan to the Emperor. With regard to some of the general observations of the minister on the war, he must say he could not agree with him; he had emphatically as usual called it a just and necessary war. He on the contrary thought it neither just nor necessary; if not necessary, it could not be just—necessary it could not be for it might have been avoided. The minister was sanguine in his ideas concerning the commerce of the country. To a certain extent, Mr. Fox said, he was ready to allow our resources to be great: but he must also say, that the fact of our exportations being less last year by two millions than they had been, was to him not very consolatory. Now, the minister had better sources of information than he had; but he had heard some things related, which made him fear that we must not look for the same success as to the extent of our exportation in future, as we had experienced in former years. The situation of the West Indies argued this; the situation of Holland we all knew and felt to be most materially altered; and as to our internal condition, he owned he did not see it in a very prosperous view. He would inquire of Mr. Hobart himself, who sat in the chair of the committee this night, whether the city which he represented (Norwich) was not last year in great distress; and whether, great as that distress was last year, it was not then opulent, prosperous, and happy, when compared to the prospect of the year to come? Whether, if this war continued, the wretched remnant of their trade would not be entirely destroyed in a short time? Did this apply alone to that unfortunate city? No; every manufacturer in the kingdom had the same apprehension as the manufacturers of Norwich; they would tell the House, with one voice, they must all be ruined, if this war continued for any considerable length of time; so that no rational man could suppose that the argument of our former prosperity could be fairly applicable to our prospect for future years. That our commerce had increased of late years he admitted, and he rejoiced at it; but then we should look forward, and examine the probability of its continuance. The last year, he had been told, that our commerce was flourishing, because the insurance was low. What could be said now, when the insurance was at the rate of thirty guineas from the Mediterranean; from Portugal twenty; and from the nearer ports of the North ten. He was, therefore, not so sanguine with respect to the commerce of the country. How far it could go on in the manner it was now proceeding, he could not tell, but he was afraid not to any considerable length of time. If they would consider the depredations that had been made on that commerce, they would find, that so far from having borne the just proportion it should have borne to the depredations in the last war, viz. 14 to 11, it had been more than 14 to 7, or 2 to 1. The right hon. gentleman had said much upon the blessings of a secure and permanent peace. He agreed with him in wishing for such blessings; but how far we should continue the prosecution of this calamitous and impolitic war, as the only means of procuring such blessings, was a question to which the most grave attention of the House must soon be called. If we continued this war, it would be a question how much we should have to add to the amount of the enormous burdens to be imposed on the people of this country by the proceedings of this day. It would then be necessary to consider how far the people would really be able to bear such burdens. He knew we had great resources; but it was impossible for us not to see we were getting within sight of the end of our resources. Whether two or three years more, continuance of this war would be too much for the people of this country to bear, he could not tell. Possibly, if that was made a question, he might vote with the most sanguine upon that subject; but that we should soon afterwards be in a state of ruin, no man could possibly doubt. He therefore thought that when that House was voting so many millions for the service of the present year, we ought to look at the probability of our being able not only to continue that sum annually, but also to add a much larger sum. He would venture to assert, that large as the sum proposed that night to be voted was, that which would be wanted for the following year would be much larger: and

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when we came to consider the system on which this war was to be prosecuted, and that we were to contend for the establishment of a form of government in France, that man must be sanguine indeed, who expected that House to vote, or the people to be able to pay, the expense which would attend that contest. Care should be taken that the House of Commons should not vote what the people were unable to grant. In this view, the business of this day was most serious, and the right hon. gentleman would do well to consider the danger into which his system of prosecuting the war must inevitably lead this country; for we might soon with all our prosperity and happiness, be placed in a situation in which all the prudence in this world would not be sufficient to prevent our entire ruin. We were now in that critical state of affairs which must be provided for as amply as possible, and therefore he could not object to the propositions now before the committee; but he thought the proceedings of this day ought to lead every reflecting man to consider most seriously the calamitous condition in which we were to devise every means in his power to produce a speedy peace; and to do every thing that could fairly be done to prevent the conducting of this war on our present most rash and mad system of continental alliance. The situation of this country was such, that taxes, however severely felt, must be submitted to; but he could not help repeating, that although he did not oppose them, the loan to the Emperor was made upon terms which, for the present, appeared to be against the emperor, but the result, he verily believed, would be, that the burden, would, at a future time, fall with tenfold weight upon us.

After some further conversation, the several resolutions were agreed to.

Debate in the Commons on the Abolition of the Slave Trade.] Feb. 26. Mr. *Wilberforce* rose to make his promised motion. He said, that as the subject was one on which he had formerly occupied much of their time, it would not be necessary for him, on the present occasion, to enter into any long discussion. It was indeed, the less necessary, because the motion with which he should conclude was no more than the consequence of their own resolution of the 1st of May 1792, that the slave trade should be abolished on the 1st of January, 1796.* Without descending into particulars, he would state in general the grounds of that resolution, and the circumstances under which the House had come to it; after which he would inquire, whether any thing had since passed, or now existed, which ought to induce them to change their opinion. It would be remembered that this great business was first brought before parliament so long ago as the year 1788. A laborious investigation of the subject in all its parts was prosecuted with great diligence by the privy council, whose voluminous report was afterwards laid on the table of the House, and furnished the grounds of a string of Resolutions † which he moved in the year 1789, as the basis of his proposed measure of abolition. The parties who conceived themselves interested against the question, desired, however, to be heard at the bar, and accordingly an inquiry was entered into, and carried on at first in a committee of the whole House, and afterwards, for the sake of dispatch, in a committee above stairs, which was not closed till the spring of 1791. He then brought forward his motion for immediate abolition, but was not so fortunate as to find a majority of the House concurring with him in opinion.‡ Again, he submitted the question to them in the following year, when he was more successful, though not to the extent of his own wishes. It was then the House had come to the resolution which he had just read to them. The grounds on which it rested were a clear and universal conviction, that it had been irrefragably proved, that the slave trade was a system of incurable injustice and cruelty: that it was the occasion of frequent and bloody wars amongst the natives of Africa, for the sake of making prisoners, by the sale of whom they might obtain European commodities: that it occasioned innumerable acts of depredation both by blacks and whites; that it armed the chieftains not only against the neighbouring chieftains, but against their own people, of whom they were the natural guardians; that the administration of justice was turned into an engine for the procuring of slaves; that it was a system supported throughout by fraud

* See Vol. 29, p. 1293.
† See Vol. 28, p. 63.
‡ See Vol. 29, p. 250.

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and meanness, to the corruption of every moral principle, and the diffusion of every species of vice and debauchery; that thus it had been the hateful means of barring out from a great continent the blessings of civilization and social improvement, and the light of religious truth, and of keeping it in a state of barbarism and misery; and all this, when there was every reason to believe that the natives of Africa were not, according to the opinion once shamelessly avowed, but now universally exploded, an inferior race of beings, but that they were men like ourselves, by no means second to the Europeans in the faculties of the understanding, or the feelings of the heart. Such were the great fundamental propositions established and acted upon in the year 1792, to which he might add the effects of the slave trade on our marine, which, from the muster rolls produced by his opponents themselves, was proved to lose more seamen in this trade than in all the other trades of the kingdom put together. These propositions, let it be observed, were not crude or hasty opinions; the House had come to them, after long and close inquiry, upon the fullest discussion; and they who did not agree with him in his conclusions, (he alluded particularly to his right hon. friends, Mr. Dundas and the Speaker) could not but admit the justness of his premises: they called the slave trade the torment of Africa, and ascribed to it all those characters of wickedness and cruelty with which it had been charged by himself.—Against all this however it was urged, that it would be in the highest degree injurious to the West-India islands to abolish it immediately; and the reason chiefly insisted on, was, that the number of female slaves was considerably inferior to that of the males, and that therefore the numbers could not be kept up without importations from Africa. He himself had contended, first, that the inequality so stated did not exist; and secondly, if it did, there were abundant proofs from experience, many of which he specified, that the human race had not only kept up, but had increased, its numbers, where the inequality had been as great, and where they had been in far more unfavourable circumstances. On these and other grounds, he had given it as his decided opinion, that the West Indies were in no want of farther importation from Africa; and that as the abolition was indispensable, on every principle of justice and humanity, so it was powerfully recommended by considerations of the truest policy. This must not be regarded as the prejudice of one who might be naturally supposed partial in a cause he had so much at heart. It was the deliberate judgment of the ablest men in that House, to whose opinions gentlemen were used to bow with the most deference, and who in that sentiment entirely and avowedly concurred. The House, however, could not be brought to yield to their authority; they therefore named the 1st of January 1796, as the period of abolition, in order that the planters might, in the interim, supply themselves with such a number of slaves, particularly with females, as might put beyond all doubt the possibility of their keeping up their numbers without importation from Africa.

Such was the footing on which the business was left in the year 1792, and he now called upon them to act upon the resolution to which they had then come, and which was to be the substance of the bill which he was now about to move for leave to bring in. This he had a right to require of them, unless it could be shown that the slave trade was not justly chargeable with those evils which it had been stated to produce in Africa, or unless it could be made out that the arguments on the ground of policy, had become so much stronger from the circumstances of the present times, as that, though continuing to be convinced of the reality of those evils, gentlemen were nevertheless to esteem them more than countervailed by these new political considerations. In both these respects, the very reverse would appear to be the fact: the wickedness and cruelty of the slave trade system had received, if possible, still clearer and stronger confirmation and no man of common prudence and fairness, could deny, that without any thing to be set on the other side, it had now become almost indispensable to the very existence of our West-Indian possessions, to prevent all farther importation of slaves from the continent of Africa. With regard to the first of these particulars, much valuable information respecting the slave trade had been obtained from some gentlemen in the foremost situations under the Sierra Leone company in Africa, of whom it was not

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too much to affirm, that they were men eminent for soundness of understanding coolness of temper and strictness of veracity. They reported some things which had fallen within their own observation, others which had come to them on credible testimony; the sum of their intelligence was, that he and his friends had by no means exaggerated the dreadful effects of the slave trade on the continent of Africa. Instances abounded of every species of the enormities he had described; long and bloody wars, for the sake of making slaves, ruined settlements, desolated villages, innumerable acts of individual fraud and violence, both by negroes and Europeans; the forms of justice perverted; crimes fabricated; accusations multiplied: deadly feuds and hereditary revenge perpetuated from generation to generation; that idle tale refuted, by which it had been sometimes attempted to vindicate the slave trade, that the slaves, if not sold to the Europeans, would be put to death rather than be employed in labour; but one circumstance still more striking and decisive, yet remained behind. It was a clear and settled axiom, that the sea coast of every country was the first civilized, whence civilization gradually had been found to insinuate itself into the interior country. But two of the principal servants of the Sierra Leone company, travelling 300 miles from the sea coast, where the face of an European had never been seen before, had found a state of society advanced (some centuries he had almost said) beyond what they had left it on the coast, where, for 300 years they had been in habits of commercial connexion and constant intercourse with the European nations. Was it possible for any thing to prove more decisively that it was the effect of this detestable traffic, reversing all the common effects of commerce, to obstruct instead of forwarding the progress of knowledge, and to darken and to barbarize instead of diffusing the light of truth, and the blessings of moral and social improvement. The European strangers there found a city, containing 7,000 inhabitants; they were also received with the utmost kindness and hospitality: and the great men confessing that wars were carried on for the professed purpose of making slaves, who, passing from hand to hand, were sent down to the coast to be exchanged for European commodities, declared, that if they could obtain these commodities by any less destructive and more innocent expedient, they should gladly avail themselves of the opportunity. No one, therefore, could now be hardy enough to deny that the slave trade was a system big with wickedness and cruelty.

As to what regarded the expediency of an abolition in the present moment, he need not detain the House long. First, no one could deny, that by the importation of the last four years, the inequality of the sexes was now at least done away, admitting it, for the sake of argument only, to have existed to the full extent of their adversaries' statements; thus, the great ground on which the necessity of importations had been rested, was now taken away. But the consideration which weighed by far the most strongly in his mind, was that of the extreme danger, in the present state of our West-India possessions, of increasing in our colonies the numbers of that very description of negroes who were universally allowed to be the most prone to insurrection. Mr. Wilberforce dwelt upon what the French had done in Guadaloupe, an island containing 80,000 slaves, where negroes had been disciplined and trained to the use of arms, and had served with success against a British fort. The policy of the French was not calculated, indeed, to render the islands valuable to themselves, but dreadfully fitted for the purpose of rendering them dangerous possessions to us. Who could lay his hand upon his heart, and not confess, that for the safety of the islands, and the happiness of mankind, it would have been well if his motion for immediate abolition had passed in the year 1792, in which case there would have been in all the islands above 100,000 fewer of those very negroes, who are now most justly the objects of terror and alarm? And when the inequality between the whites and blacks was already so extremely great, what better name did it deserve than downright infatuation to be so solicitous to increase the disproportion, and bring fresh combustibles where every thing was already prepared for an explosion? Every shipful of negroes which came from Africa, either directly added to the force of our enemy, if carried into the French islands or added to it indirectly, and perhaps still more dangerously, by increasing the number of the disaffected, if brought into our own. For his own part, he solemnly protested against the farther extension of this system, which threatened to render

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those populous colonies one universal scene of carnage and desolation; nor was it only as a man interested for the welfare of the West-Indies, and the prevention of such accumulated misery, that he was bound to stop, though perhaps too late, the growing progress of this evil: as a member of the British parliament, on whom it was peculiarly incumbent to take care that the blood and treasure of this country were not wantonly sacrificed, he was strongly urged to the same line of conduct. It was but too well known how fatal the climate of the West-Indies had proved to our soldiery: in proportion as the danger of internal commotions in the islands should increase, it would be requisite to bring over increasing numbers of European troops, to guard alike against the foreign and the still more formidable internal enemy. There was no saying to what extent their necessity might increase and all military men who had ever been in that climate, knew the disadvantages under which our people contended with the negroes, when what was death to the one was no more than moderate exercise to the other. Let us fairly ask ourselves, could or would this country bear this continually increasing drain?

He would seriously ask every well-wisher to his country, if this was not a period, when we ought to be particularly on our guard not to degrade the character of parliament? And what could be more likely to produce this effect, than, after solemnly renouncing this scandalous trade and confessing ourselves fully convinced of its wickedness and cruelty, that we should return to it again, on a plea of interest, a plea so doubtful, that the ablest men in that House were convinced not only that it could not be made out, but that the very reverse had been proved to the satisfaction of every impartial inquirer. Nor could he forbear conjuring the House seriously to reflect that this country was now in circumstances of difficulty and danger, in which every man who did not disclaim all notions of religion must feel solicitous rather to conciliate the favour, than provoke the indignation of the Supreme Being. If ever there was a national sin, the slave trade surely was of that description; and what could it appear but solemn mockery, to take our share in the solemnities of a general fast day, and almost at the very moment in which we had the language of humiliation and penitence in our mouths to cling with such earnestness to a system of greater cruelty and wickedness than had ever insulted the forbearance of Heaven? He concluded with moving, "That leave be given to bring in a bill for the Abolition of the Slave Trade at a time to be limited." And the question being proposed "That the said motion be referred to the consideration of a committee of the whole House,"

Mr. *Barham* said, that considering the motion on the grounds of morality and justice, he perfectly coincided in opinion with the hon. mover, and certainly should wish to abolish the trade, if it could be done consistently with sound policy and the real interests of the country. Local considerations, however, induced him to conceive the means proposed as in no degree calculated to produce the desired effect. He wished the House to consider, what were the sentiments of those who were to carry into execution the mode proposed. The West-India planters, who were the persons that of necessity must carry the plan into execution, were generally of opinion, that it involved in it their complete ruin. If then, they thought the destruction of their interests was the necessary consequence of the measure, how was it consistent with reason that it could ever be carried into execution? Those who felt their interest so materially concerned were the persons, who were not only to be the informers, but the judges and jury of every breach of this law, if it were ever to be passed into a law. The proprietors of plantations, could not be supposed to be so much superior to human nature, as to be enabled to act in contradiction to all the propensities and passions of mankind in general; it, therefore, could not be expected that they would inform against themselves; that they would impartially judge and convict themselves in a point wherein they were so much interested. This plan therefore, appeared to him to be perfectly nugatory. He very much wished that regulation had been proposed instead of abolition. As to the objection, that it was highly improper to attempt to regulate injustice, and legalize murder, he must regard that as a mere rhetorical flourish; for if the object of law was practical good, and if it could be shown that practical good might be derived from the greatest crimes, even of murder itself, in such a case a wise legislator would be justified in regulating that offence, instead

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of absolutely prohibiting it. He admired freedom as much as any one, but nobody could advance that freedom might not be alienated: it was uniformly the fact that it was so alienated; the day-labourer parted with his liberty for a day, the domestic one, for a year, and others for a longer period, in consideration of an adequate recompense; nor could he see any limitation to the principle, where the right of alienation was once fairly obtained, why it might not be for life. On every ground of policy and interest, he disagreed with the hon. mover. He thought the dangers in the West-Indies would be much increased by this discussion. The French were instigating the slaves to rebellion, and the misrepresentations which might be made of what was said in that House might produce the worst effects on the minds of the negroes. Here he adverted to the conduct of certain officers in the West-Indies, which, though he did not believe it to be criminal, he wished might be inquired into. Another argument against discussing the question at present, was, that now the slave trade could scarcely be said to exist; for few persons would hazard their property in the trade when our possessions in the islands hung by a very slender thread. No danger therefore could arise from not passing the act, while many might accrue from discussing the question. Liking as he did the object in the abstract, but considering the means as hazardous, he would move, "That the debate be adjourned till this day six months."

Mr. *East* said, that among the various excellent qualities possessed by the hon. mover, his best friends, he believed, would not give him credit for much discretion. It appeared to him that a more indiscreet motion, in the present circumstances, could not have been brought forward. If the French were gaining strength in the West Indies, and were doing all in their power to instigate the slaves to rebellion and revolt, it became the House to act with great caution, lest, by the discussion of questions similar to the present they increased the danger. If the slaves were predisposed to rebel, to whom was the country to look as the authors and causes of that alarming disposition? Was it to the hon. mover, or his opponents? Who was it that had inculcated that the negroes were in a state of grievous oppression? The hon. mover. Who was it that had excited strong jealousies and doubts in their minds, by filling their imaginations with notions of grievances and wrongs? The hon. mover. Every successive discussion of this question had been productive of great uneasiness, both to the planters and the slaves. He thought the discussion ought to be deferred until the danger was over; as at present there did not exist the necessity of interfering, since the condition of the slaves had been materially meliorated. With respect to the resolution of May 1792, he wished gentlemen to recollect, that it had been passed at a very late hour of the night, after the original motion had been negatived by a great majority, and after several other intermediate motions for a speedier abolition had also been negatived. Several gentlemen had also given their vote for that resolution from a sort of implied compact, that by doing so, they should avoid the mischief of having so dangerous a question agitated in the interval; and therefore chose the least of two evils. What, however, had been the conduct of the hon. mover? Instead of fulfilling the engagement, he had brought forward the question every session since that period. He conceived it proper also to wait the decision of the Lords, to whom that resolution had been sent, and from whom no return whatever had been sent on the subject.

Mr. *Dent* expected, when the hon. gentleman brought forward his motion that day, that he would have stated some new arguments in support of it, but was surprised to find that nothing of that kind had been offered; and therefore his opinion could not possibly be altered on the subject; which had ever been, that the abolition of the slave trade was equally unjust and impracticable.

Mr. *Whitbread* said, that since, contrary to his expectations, the motion had again met with opponents, he could not do otherwise than lend his feeble efforts to its support. The gentlemen who had opposed it had deprecated the discussion of the question. He was glad it was not in their power to prevent its being discussed. He was determined, for one, they never should prevent it, excepting by one only way, the total abolition of its most abominable and iniquitous traffic. He pledged himself most solemnly, that if no other person would stand forth on the occasion, he himself would every session, as long as he had a seat in the

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House, bring forward the question, till the great and glorious end they had in view was accomplished. It was true that the condition of the slaves had been meliorated; and it was equally true that the cause of that melioration had been the discussion of the question in that House. Very far, indeed, was its agitation from being likely to produce bad consequences. On the contrary, by bringing before the public, enormities which had been exercised on the poor wretched slaves by their merciless task-masters, the planters had been obliged to exhibit a sort of remorse for their past actions, which they did not manifest while they supposed the knowledge of their crimes had been confined to a narrow compass; so that, by some faint regulations consistent with humanity and justice, they had attempted to compensate for the gross violation of those duties, previous to the discussion of the question. It had been asserted, that the measure would be nugatory, because the war had nearly annihilated the trade itself; if this were true, as he hoped it was, one consideration presented itself instantaneously to the mind. Every person, without distinction of party, during war, looked forward to peace; but how must the joy, which all must experience in the re-establishment of peace, be damped by the reflection, that by an event so happy for Europe, all the horrors in Africa would be renewed: that all the devastation and iniquity, exercised on the unfortunate inhabitants of that devoted country, would again be repeated with accumulated enormity. It should be considered, that the care of the Almighty was not merely confined to Europe, but that his omnipotent goodness spread itself equally over Africa; and that if this country did not wipe away the foul stain of iniquity by which it had been polluted, it was liable to a responsibility unequalled by any which the human mind could picture to itself. It had been recommended to wait till the lords had made their communications to the House on the subject. He was not surprised that this should be recommended by the friends to the slave trade; for if they were to wait till that period, he was afraid no good end could be answered. He had a statement in his hand, extracted from the Journals of the Lords, by which it appeared, that in three years they had only devoted fourteen days to the examination of this most important subject. The House of Commons, he hoped, were not so lost to all sense of shame as the Lords appeared to be—[Mr. Whitbread was here called to order—he repeated his words, and was again called to order.] If it was disorderly to state it in that manner, he would state it otherwise. He wished it were possible to refute, by facts, the statement he held in his hand, and, if he could consistently with form, he must say, that if he should find in the Journals of the Lords, that, in the first year of their consideration of the subject, they had employed only six days, and examined only seven witnesses; and in the third session, had employed three days, and examined two witnesses; it was in the highest degree disgraceful to that assembly. There was no way, of forcing the Lords to a decision but by the Commons urging them to do justice, and reminding them that they must not blink the business.

Alderman *Newnham* said, that his opinions were by no means changed, with respect to the absurdity and danger of the motion. So far from thinking that the conduct of the House of Lords ought to be blamed, he thought it did them honour; as they had exercised the right vested in them by the constitution, of curbing the pernicious effects of a mischievous zeal. He wished, however, that they had put a negative on it at once. As to the resolution passed in 1792, he thought the House had chosen the least of what they thought two evils, with an expectation that the good sense of the assembly would be restored by the year 1796. At first the immediate abolition was not held out by the most sanguine opponent of the slave trade; if it had, he was convinced the good sense of the House would have rejected it. He supposed the hon. gentleman who moved the question, did it from motives that would gain him merit in another world, for with him he was sure it would gain none here. He objected to the motion as destructive of the commerce and revenue of the country, and as inconsistent with that very humanity which was the great plea of those who favoured it.

Mr. *W. Smith* said, from its earliest stage, immediate, direct unqualified abolition of the slave trade, and nothing less than this, had always been the open and avowed object. He insisted that the ameliorated condition of the slaves in the West Indies had been owing almost en-

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tirely to the agitation of this question in the British parliament. That to this origin the increase of their comforts, whatever might be its amount, was to be ascribed, might be inferred from this circumstance, that almost every colonial law for the protection of the slaves, bore date since the year 1787; the famous consolidated act of Jamaica was passed only in 1788; and it was but too true, that, previously to this period, scarcely a clause was to be found in the whole code of West Indian legislation, of which the character was mercy.

Mr. *Fox* said, that often as the present subject had been agitated, he viewed it as of such importance, that he could not content himself with giving merely a silent vote on a question on which his heart was so much interested, and every feeling of his mind engaged. He had distinctly said from the beginning, that there was no regulation of the trade which he could assent to, except with a view to its complete abolition; and it was then he had made use of the expression alluded to in the course of the debate, "Would they consent to regulate robbery and methodise murder?" To confine themselves merely to regulation, appeared to him to be a sort of crooked policy, and a departure from the unalterable principles of morality and justice. The case had been stated, would it not be better, if such an object could be effected, to diminish by regulations the frequency of the crime of murder, even than to prohibit its commission? His answer was, that no speculative advantage from such regulations could outweigh the great moral disadvantage of any legislature affording their countenance to murder. If there was a country in which cannibalism prevailed, ought we to bring men from Africa for the purpose of being devoured, because, by being in our hands, the trade might be attended with fewer victims than would otherwise be sacrificed to the savage appetites of those destroyers of men? Ought the British legislature to become the agents or protectors of so inhuman a traffic? The greatest evil would be removed if once the parliament withdrew their sanction from the practice of the slave trade. One good, at least, had resulted from the discussion: no one was now found to defend the trade itself.—The hon. gentleman (Mr. Barham) who opposed the original motion, had stated, that he was as great an enemy to the trade, and as anxious for its abolition, as the hon. mover himself. The African trade, he should ever contend, was a system of injustice and cruelty, which degraded every man who practised, and every legislature which sanctioned it. With respect to the question of the propriety of the time, he could not help adverting to the delay that had taken place in the House of Lords. Their lordships might, no doubt, have their reasons for the dilatory mode which they had adopted in treating the question: he did not know those reasons, and till he knew what they were, he was bound to respect them. But this was the very reason why the House of Commons ought not to let the question alone, but to bring it forward for fresh discussion, till something effectual should be done in the business. The resolution of the House was sent up to the Lords in the month of April, 1792; during the remainder of that session, their lordships had allotted six days to the subject, and examined seven witnesses; the next year they had allotted five days, and examined also seven witnesses; but the year following, they had appropriated only three days, and examined not more than two witnesses. It was to be remarked, that during the small remainder of the year 1792, they had done much more than in either of the subsequent years; and, if they proceeded in the same way, what day or part of a day they might devote to the subject in the present session, was a matter of nice calculation. An hon. gentleman had said, that the House had voted their resolution for abolishing the slave trade in 1796, at a late hour; a circumstance which, surely, was not, by any means, unusual in debates on important subjects. He had said also, that it was voted by compromise: admitting the fact to be so, the advocates for the abolition had, undoubtedly, as great a right to an equal share of the benefit of that compromise as their opponents. But the House had not only come to this resolution, but had come also to several others, tending to the gradual abolition of the trade; such as putting an end to the foreign trade. But all this the hon. gentleman said the House had done, trusting that, previous to the year 1796, they might come to their senses. If they were mad in coming to these resolutions, and trusted that, previous to the period when they were to be carried into execution, they would come to their senses, this was the most singular species of insanity of which he had ever

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heard. But there was another circumstance which deserved attention. At that time the table of the House was covered with petitions from all parts of the country. Was it, then, only to get rid of the public pressure of the petitions that they had come to these resolutions? If the House did not effectually follow up their resolutions, their conduct would most certainly admit of such an interpretation; nor did he know how he should be able to refute it. It was a serious thing, that a body, subsisting upon public opinion, which he contended to be particularly the case with the House of Commons, should preserve the consistency of their character, and the respect their proceedings ought at all times to be entitled to. Had any thing been stated by the opponents of the abolition to prove that the former calculations of the hon. gentleman (Mr. Wilberforce), with respect to the possibility of keeping up the supply of slaves without any additional importation, were fallacious, or to show that they were not as solid as they appeared to be persuasive and convincing? Another argument had been drawn from the existence of the war, and the danger apprehended from the slaves. Do you wish, then, said Mr. Fox, to increase the number of those whom you dread? The most dangerous slaves had always been described to be those who were newly imported. When the importation should be abolished, the condition of the existing slaves would be rendered better, and the ground of their discontent removed. But an hon. gentleman had said, that they would be dissatisfied if the importation from Africa was abolished: that the day of the arrival of the new slaves was to the others a day of joy and of triumph. He did not know the fact, nor was he disposed to envy the pleasures of any description of men; but he could not, upon any principle, account for such an infernal joy, such a detestable jubilee, as the hon. gentleman had described. In proportion as their numbers were few, it was natural to suppose that they would be more likely to be better treated. If, however, they were so extremely ignorant, so miserably short-sighted, as to feel any satisfaction from the arrival of other slaves, their infatuation and blindness were no grounds why the House should not decide, by putting an end to the slave trade, that the days of their jubilee, arising from the accession of companions in wretchedness, should be for ever terminated. But it had been stated, that, during the war, the trade had been suspended. If such was the case, it was only necessary to pass a bill in order to prevent its renewal. The effect of such a bill, it was contended, would only be to revive the trade; but this was pushing the argument to a pitch of extravagance to which he could not assent. It was, indeed, saying, that even if the bill was passed, it would not prevent the importation of slaves. He was aware how exceedingly difficult it was to carry into execution any measures that militated against the private interests of individuals. But the same thing applied to all prohibitory and revenue bills; such as those which imposed restrictions on smuggling, &c. If they took so much pains for the object of revenue, ought they not to do as much in a cause on which the honour and reputation, and if the honour and reputation, the existence, of the country depended? Much had been said by the hon. mover which had received no answer. If the French should succeed in their plan of training, disciplining, and arming the negroes, might it not be necessary for us to oppose them by the same means? In such a situation, we should surely have much more to hope from having treated the negroes with kindness and confidence, than from having adopted the contrary system. In that view of the subject, if we continued to bring new slaves from Africa, we were in fact importing, not so much wealth and strength, but so much weakness, discontent, and rebellion. Mr. Long had mentioned in his history of Jamaica, that the newly-imported slaves were the most dangerous. In proportion, then, as we increased the importation, we increased the danger. If all sense of humanity was extinguished, if justice had lost its empire, the House ought to pass a bill prohibiting the importation, in order to remove the danger. Much had lately been urged of the danger arising from the importation of French principles. The importation of men smarting with a sense of recent wrongs and injuries, and not taught to expect any milder treatment than that which they had already experienced, was more dangerous than the importation of any French principles whatever. Every fresh importation of slaves from Africa was a new ground of hope to the French, and of danger to the British possessions. With respect to what had been urged of

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the situation of the slaves being much better than that of the lower orders in this country, he did not carry his philanthropy quite so far as to be prepared to vindicate the continuance of the trade upon any such reasoning. Why did not we send our own countrymen to share in the blessings of a situation which was stated to be so much better than their own? Why should we go so far as Africa to force the poor negroes from their native soil, in order to place them in a situation preferable to that of the subjects of this country? Why should we be so wild in our beneficence, as to tear them from contented misery, and obtrude upon them a happiness which they disliked? In short, he had heard no argument against the abolition, that was founded on fair and ingenuous principles. He had heard one argument, that the means now proposed were not the most proper means to bring about an abolition. To this he had only to answer, that when they had an important object in view, it was natural for them to take the most plain and obvious means of arriving at their end. He thought that, even if they should not succeed in the object of effecting a complete abolition, it was material to do away the greatest of all evils, that of a British parliament giving countenance to the existence of a crime the most atrocious in the records of history. No moral evil could be greater than that those who argued for injustice, violence, robbery and murder, when they could not avail themselves of reasoning, should be able to urge on their side the authority of parliament. On this ground he considered the declarations of the hon. mover, and of his hon. friend, that they would not let the subject drop, but revive it by fresh discussions, till they should succeed in effecting their object of a complete abolition of this infamous and disgraceful traffic, as declarations highly meritorious in themselves, and most honourable to those who made them.

Mr. Secretary *Dundas* said, that when this question was first agitated he felt it impossible to agree either with the gentlemen who supported, or the gentlemen who opposed the question, because the speakers on both sides were equally far from that medium which he conceived good policy should lead the House to adopt. On the one side it was contended, that an immediate, absolute, unqualified abolition of the trade should take place; on the other, it was argued with equal vehemence, that an abolition of the trade would not only be the total ruin of our West India islands, but that it would, in fact, be detrimental to the cause of humanity. He had the good or ill fortune, he would not determine which, to dissent from each of these arguments, and to adopt a middle line between them both. It appeared to him consistent both with policy and humanity, that the slave trade should be abolished; but he thought it was not a measure that ought to be instantly carried into execution; it required time in order to effect it completely, and without injury to those persons whose property was embarked to a large amount in this concern, and who were entitled to look up to parliament for indemnification, as the trade had been carried on under parliamentary sanction. He found it a difficult matter to fix the precise time at which the trade should entirely cease; but he was extremely concerned to find that the House had resolved that the abolition should take place in 1796. This resolution appeared to him not to give sufficient time for the merchants and planters to arrange their affairs, so as not to be injured by the event; and therefore he deemed it the same in point of effect as an immediate abolition. With that impression on his mind, he had not attended particularly to any of the subsequent discussions which had taken place upon this subject. He was very ready to confess the motives of this part of his conduct—he entertained a hope that although, in the House of Commons, a resolution for an immediate abolition in 1796 had been passed, yet, that in another place, the impolicy of such a measure would be apparent, and that means would be taken to render the resolution of the Commons ineffectual. The resolution which the House came to in the year 1792 was, "that the trade to Africa should be wholly abolished in the year 1796." According, therefore, to the letter of the resolution, the abolition ought to take place within a few months of the time in which he was speaking; but however such an abolition might be consonant to the letter of the resolution, he was sure it was not consonant to its spirit: the reason why this time had been allowed was, that the planters might have time to make such regulations as circumstances might require, and to enable them to import into the islands such a number

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of slaves as would be necessary to their future population. The question, then, or the House to consider was, whether this object had been obtained, and, if that appeared not to be the case, then it would be proper to determine, whether that was owing to any intentional neglect on the part of the planters, or to any unforeseen circumstance. In point of fact so far from the planters having been able to import such a number of slaves as would be necessary, supposing the trade to be entirely abolished in 1796, the importation had been comparatively small, and he believed that the trade did not exist at all, owing to the war. Upon this view of the subject the House would see, that even, upon the resolution of 1792, the trade ought not to be abolished in 1796.—He was ready to confess, that, upon every view he was able to take of this important subject, he had not the courage to agree to the abolition. All the correspondence between this country and the West Indies proved, that the latter were in a situation that required great caution at home, and every danger was to be apprehended from enemies who were anxious to take every means of distressing us, though they did not, at the same time, acquire any advantage themselves. The hon. mover had not stated it as his intention to propose any plan for ameliorating the situation of the slaves in the islands: perhaps he had good reasons for not proposing any such regulation. Mr. Dundas said he should have liked the plan better, if it contained a scheme, if any could be devised, for rendering the situation of the slaves more comfortable. But he was much afraid that this discussion, even though it should be negatived, would be attended with bad consequences; he was afraid it would give an opportunity to the French of using this argument: "You see the legislature of Great Britain pretend to take up the cause of justice and humanity; they seem very willing to commiserate the people in Africa, but they have quite neglected you." This argument, weak as it was might have great weight with unenlightened minds. It had been said, that to import slaves now, was to import danger. He acceded to that proposition, and should be very happy, if it was possible, to prevent the farther importation of slaves during the war. What he had stated to the House referred merely to the question of abolishing the trade immediately; he still retained the opinion which he had expressed three years ago, that policy, as well as justice required that the trade should be abolished. Every event which had occurred since that period served more and more to convince him of the truth of that opinion. Every event had convinced him how very dangerous such weapons must be in the hands of such an enemy as the French.—Gentlemen, in speaking upon this subject, had enlarged much upon the omnipotence of the parliament of Great Britain. No man was more anxious for the preservation of the power of parliament than he was: but he thought it very bad policy to put that omnipotence to the stretch upon trifling occasions. It was very easy to make an act of parliament here: but it should be recollected, that it was to be carried into execution in the West Indies, and therefore, in order to have its object effectually attained, the opinions of the West India planters themselves should go along with parliament. On that point he wished to address himself to the merchants and the planters. It was said, that they were forming combinations in order to prevent at any time, the abolition of this trade. Such policy would not only be injurious to the colonies, but must be fatal to the planters themselves. He trusted they would see their own interest, and, guided by a liberal policy, give their support to the cause of justice and humanity. The propriety of abolishing the slave trade he thought no man could doubt; and he thought it equally clear, that this was not the period for its abolition. He did not mean to mention the exact time in which it ought to be abolished; but he thought it should be done gradually, and with such an allowance of time as would not make it felt very severely.—An hon. gentleman had talked of forcing the lords to come to some determination upon this subject. He wished to know how the lords were to be forced? The commons might pass a bill, but were the lords under more obligations to pass that bill than they were to agree to the resolutions formerly sent up? Certainly not. The lords seemed to entertain an opinion similar to his own; they thought this a question of a very important nature, and that a final decision upon it now, would be not only improper, but dangerous, therefore they wisely put off the subject. Upon the whole, he was entirely of opinion, that the abolition of the trade was absolutely necessary, but that

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to make that abolition effectual it should be gradually.

Mr. *Pitt* said, that though he differed in many particulars from his right hon. friend who had spoken last, yet he rejoiced in one declaration which he had made, namely, that it was necessary for the safety of the islands that the slave trade should ultimately be abolished. It was impossible for him, while he agreed in that principle, not to regret that many of those who would support the same side of the question as that espoused by his right hon. friend, would not come to the same declaration. For his own part, he entertained the firm and clear opinion that the most speedy abolition of the slave trade would present at once the most immediate relief and the most effectual security to the islands, and would be the measure most highly conducive to the public prosperity as well as to the interests of individuals. His right hon. friend had first said that the resolution passed in 1792, appointed too early a period for the abolition. This remark had no reference to the peculiar circumstances of the present time. No gentleman had endeavoured to controvert the grounds of expediency, propriety, and justice, on which the House had then come to that resolution; and, for his own part, he felt himself confirmed in all these particulars. He had next urged, that the grounds which had induced them to defer the abolition till 1796, ought to induce them under the present circumstances, to postpone it to a longer period. On what ground had the House formed the idea of allowing four years to elapse before they took any measures for the abolition, but because from the best calculations, they supposed that period would be sufficient to enable the planters to procure the necessary supply of slaves? On inspecting the accounts, it appeared that already a greater number of slaves had been imported than had been stated in any of the calculations. In 1792, the number imported exceeded any average of former years. In the two years of war, the trade had been carried on to a great extent. Even upon his own principle, his right hon. friend ought to vote for the proposition of bringing in a bill for the abolition at a time to be limited," allowing afterwards, when the blanks came to be filled up, as much time as he deemed necessary for the planters, in order to complete the supply for cultivating their estates. As to the danger of taking any steps towards an immediate abolition at the present time, he could not deny that the state of the colonies was peculiarly tender and vulnerable. At the same time he could not help reflecting, from what source proceeded that very state of peril. The danger would not have arisen if the claims of justice and humanity had been sooner attended to. In order to remove the evil, it became necessary, then, to abandon the policy which had hitherto been pursued. He would suppose, for instance, a mischievous enemy intent to accomplish the worst ends by the worst means. To what could he turn his views with greater hopes of success, than to all those bad passions engendered by negro slavery? He was told that the danger arose from the existing slaves. The only danger that could be apprehended from them might be traced to the use that was made of the engine of misrepresentation. On this subject, he was not so much afraid of false arguments, as of numerous recruits. An armed troop of barbarians appeared to him much more formidable than the most atrocious series of misrepresentations. In a bad cause, he feared force more than argument. The effect, however, of the proposed measure, would be to destroy even this source of pretended danger, by doing away all misrepresentation. Would giving up the exportation at all tend to increase the hardships at present endured by the slaves? Did not, on the contrary, fresh importations of slaves come to share the labours of those who had preceded them, without in the smallest degree contributing to diminish their sufferings? If they were indeed anxious to calm the fears, and to provide for the interests of the planters, would the plan of an immediate or a more remote abolition be most effectual for that purpose? But it was contended that they ought to wait till the return of peace. He, on the contrary, contended, that the immediate adoption of the measure, was the best way of guarding against the danger. He was most decidedly of opinion that they ought not to lose one moment in putting an end to the trade. He wished much that an end could be put to it this year. At all events, they ought to do that which no pledge forbad them, to exert themselves that it might not last after 1796. All the propositions to abolish the slave trade had been said either to arise from fanaticism, or to be connected with French principles. Enthusiasm was apt

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to mingle in the most meritorious exertions, and to push those by whom it was felt too far, even in a good cause. But with what propriety could they brand with the epithet of fanaticism, the opposition to a trade which was hostile to the principles of religion, to the maxims of justice, and the feelings of humanity? But opposition to the slave trade was said to be connected with the support of Jacobin principles. The charge, he believed, was found in the circumstance of the French having declared themselves, at an early period of their revolution, enemies to all slavery, though they had contrived to introduce something so exceedingly like it into their own government. But it was not less incumbent upon a British legislature to show, by its conduct, the contrast between the wild, spurious, and imaginary tenets of the Rights of Man, and the genuine principles of practical justice and rational liberty. It was incumbent upon that House to take the speediest measures to heal the wounds which humanity had suffered from the prosecution of the slave trade, and thereby to disarm the jacobins of their most dangerous engine of attack, and provide for the country the surest and most effectual means of safety.

Sir *William Young* said, that he had attended to much eloquent declamation, but to argument so fallacious, that with his personal knowledge of the state of the West Indian islands, and the dangerous tendency of this question, it was most improper for him to give a silent vote. Much had been said of the question agitated in 1792; and gentlemen testified some surprise, that, after so decided an opinion given by parliament, any should venture their character in opposition to a like motion at the present hour. Sir William said, that he himself had equal grounds for some surprise: In April 1791, he had voted in a majority of 75 against a proposition precisely the same as the one brought forward in 1792, and again brought forward that night. When the question was brought forward in 1792, himself was, for the first time in his life, in the West Indies, looking to the premises of the past decision of parliament; and gathered from facts under his own observation so much to strengthen the side he had before voted on, that he well might be surprised, on his return to Europe, to hear that parliament had voted in direct opposition to their vote passed in 1791, after an adjourned debate, and the most solemn discussion, closing at three in the morning of the second day.* In the course of that day's debate, gentlemen had talked so much of the situation of the slaves in the islands being ameliorated from the measures taken in that House, that, as one of West Indian parentage and West Indian connexions, he could not pass over the arrogance of such exclusive claim. He was ready to allow that the subject of the slaves situation agitated in parliament had drawn the attention of the colonists to the few bad men among them (and every country had bad men), and they had adverted to, and in many instances corrected, in consequence, exceptions to general good treatment of slaves; but the general good treatment originated with, and came from, the colonists themselves. Old stories of the cruelties of the first settlers, Buccaneers or others, had been brought in evidence, and perhaps some of those stories might be in part true, and a few wholly true; but at the beginning of this century, the proprietors of land in the islands began to send their children to the schools of the mother-country; they passed from school to college, and from college to foreign travel: from the seminaries of learning, and from general intercourse with the most civilized societies, they imbibed all that the influence of philosophy and of elegance, of morals and of manners, could impress on the best of minds; and they returned to take possession of their estates in the islands, with every feeling that could dignify the gentleman, the scholar, and the christian. Hence gradually arose the amelioration of the poor negroes lot, and the alleviations of slavery. A sort of common law has sprung out of the acquiescence, and grants and regulations, from time to time, admitted or given by their humane and well-taught masters. The benevolent laws of Jamaica or of Grenada may be of a late date; but the slaves had before, under this common law, more than those statutes have given or could give. When he was in the West Indies, he perceived the negroes who were industrious for themselves to earn and have a right to what they earned, and to hold their houses and gardens as a property secured to them in a manner as full and as strong, as any peasantry in Europe, and they were in general in a better situation than

* See Vol. 29, p. 359.

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the lower class of labourers in other countries. Mr. Ottly, in St. Vincent's, brought in his bill for ameliorating the state of the slaves, two years before the hon. mover ever mentioned the subject in parliament.—As to the question of abolition of the slave trade, he would not now discuss it: his opinion was well known, and he never had occasion to alter it: it was shortly this,—that the colonists alone could carry any abolition into effect: and they were making hasty steps to it, by increasing the population under better medical treatment of infants, and corrected morals of the negroes, and improved drainings and cultivation of the islands, rendering them more salubrious. Thus in a few years the slave trade might have dropped of itself, or sunk at least to mere transport of African felons: especially if the British government at the same time had posted consuls on the African coast, to check the system alleged of rapine, and reduce the trade gradually by regulations. The strong, unqualified measure proposed that night put aside all such salutary procedure, whilst in itself it was impracticable, and most dangerous. The very discussion of the subject was dangerous, and he should vote for the amendment; as a kind of previous question, suited to the alarming crisis which pressed on our colonies in every part.

The question being put, "That the Debate be adjourned till this day six months," the House divided:

Tellers.

Yeas	Mr. Jenkinson - - - Sir William Young - -	78
Noes.	Mr. Edw. James Elliot - Mr. William Smith -	61

So it was resolved in the affirmative.

Debate on Mr. Fox's Motion for a Committee on the State of the Nation.] March 24. In pursuance of the notice he had given,

Mr. *Fox* rose to move, that the House should resolve itself into a committee of the whole House to consider the State of the Nation. Similar motions, he observed, had often been made, though they seldom had been effectual; and undoubtedly some allowances ought to be granted, nor ought the House ever, in truth, to agree to do it, without having reasons stated to them of strong political necessity, arising from the circumstances of the country, the relative situation of other countries, strong instances of misconduct in ministers, or such other grounds as should justify the representatives of the people in resorting to one of the most solemn modes of inquiry known to the constitution. There were some circumstances, he was aware, in which that House would not agree with him in opinion; but there were others in which he believed there would be but one sentiment. Whatever opinion gentlemen might have formed of the general state of Europe, and of our prospects from the prosecution of the system in which we were engaged, however they might clash as to the measures to be pursued, there was one object in which they must all unite, namely, that such was the present state of this country, that it was of the utmost importance that the House of Commons should stand high with its constituents, and that it should acquire their confidence by the attention and regard which they paid to their essential interests. With respect to the motion he was about to make, it was not a new one; he had made a similar one in 1777,* a time which was then considered as critical and perilous; and though the House did not think it expedient to accede to his motion, they could not resist the great truth of the danger in which the country stood, and in which they felt themselves by the surrender of our army at Saratoga. If the situation of the country was considered as critical and perilous then, how comparatively insignificant were the dangers of that moment to those of the present! Misfortunes now threatened every part of the empire. Though at that time the majority differed from him as to the cause of the misfortunes of the country, they did not think it becoming the dignity of the House to decline going into an inquiry at so awful and momentous a crisis; they thought that they could not discharge their duty to their constituents, when great expense was to be incurred, and great risks to be run, by refusing to inquire into the state of the nation, by which all the strength of our means would be fairly compared with the justice and value of the object to be obtained, and a retrospect would be had of the conduct of those who were entrusted with our affairs.

It was obvious that there was now much

* See Vol. 19, p. 513.

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dissatisfaction in the country, not arising from the influence of French principles, about which, undoubtedly, there was much difference of opinion, but from the natural effect of a system which had produced so much misfortune and disgrace: a consequence which all the events of the war had served to heighten, as well as all the measures taken at home. There was not a mere majority, he said, there was almost a unanimity in favour of loyalty; but still there were some dissatisfied minds, and their number was daily increasing. These dissatisfactions had not manifested themselves by plots and conspiracies, the existence of which he always had and still doubted; but they did exist, and their origin was not affected to be concealed. They arose from the idea that the House of Commons was not the representative of the people—not even virtually the representative of the people—for they did not take upon themselves the guardianship of their rights, nor show the smallest alacrity in the superintendance of their interests. If such an opinion had gone forth, what better argument could the persons who were desirous to gain proselytes have, than to say, that even at such a moment as the present, the House of Commons could sit still without bringing the executive government to account; without even going into an inquiry into the real state of the nation, and into the measures which had uniformly produced such calamity and disaster? This argument would be greatly strengthened by the known fact, that the general wish of the people was for peace, and that even those who were originally the most loud and vehement declaimers for the justice and necessity of the war, were now eager for opening the door to an immediate negociation, and for the return of peace, and no longer anxious to catch at obstacles to treaty, but were truly and feelingly convinced that peace, if it could be obtained, was an object to be coveted above every advantage that could be gained by the war. If, when the public opinion was so changed, the House should maintain a blind and implicit confidence in ministers, and should only show themselves desirous of imposing burthens on the people, and of supporting measures which were to induce new burthens, not only without driving ministers to negociation, nor even to account for the millions of money and oceans of blood which they had squandered, but resisting a motion to inquire into the use that they had made of the confidence already granted them, what must be the advantage which was given to all the persons in the country, who were desirous to spread the dissatisfaction which they felt, and to prove their assertions, that that House was in reality lost to all the functions for which it was designed? There were no means by which their arguments could be so well countenanced, and by which they could so effectually spread the dissatisfaction which they themselves felt. In what way, except by invidious distinctions of declamations against the present ministry could men like himself, who loved the British constitution, be able to defend it? How could they say that the constitution was essentially good, when the House of Commons suffered such a train of misfortunes to pass before them, not merely without punishment, but without inquiry? They might be asked what they had to say in excuse for their supineness, or what possible answer they could give to the just charge of relinquishing their duty, and of resisting the general voice of the people? They might say, that the constitution could not be essentially good, under which less attention was paid to the people even than in arbitrary governments. He had always thought that the best defence of the constitution of England was, not that it talked with theories of speculative men, not that in its letter there was more appearance of regard to the abstract ideas of liberty than was to be found in its spirit and practice; but that its best defence was its essential uses, its best character was, that it had produced substantial happiness to man. Take away this argument, and leave it to those who were dissatisfied with our government to call upon its defenders to look at its practice, and to say that our executive government had gone on for two years in a system which involved an expense of blood and treasure beyond comparison, in an object which had been never explained, by measures which had uniformly failed, in which every one event had been marked either by disaster, or disgrace, or by both; and that at the end of this time the House of Commons abetted the government in the continuance of the same course, and it would be in vain to contend that the theoretical beauty of the constitution could be illustrated by its practice. They would naturally say, if this constitution

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be practically good, what constitution can be practically bad? What was the true character of a bad government? That the measures of a prince, though wicked and flagitious, might be persevered in for a time against the interest of his people. This was not always true; for the most despotic princes had not always been able to keep their ministers in defiance of the indignation of the country. If it were possible for the ministers of Great Britain to persevere in their measures, under such a series of disasters as we had suffered, not only without responsibility, but even without inquiry, then the most just accusation against despotic governments would be applicable to this; and thus the advocates for the British constitution would be deprived of their very best arguments for its defence.

Convinced of this, he thought, that if he did nothing but state to the House that we had been now two years engaged in a war, in every part of which we had failed, in which all our measures had been disastrous, in which we had lost the object for which we at first pretended to undertake the war, and in which our enemy had gained more than the wildest imaginations of those who drove us into it, ever ascribed either to their ambition or to their principles, he should require no farther inducements to prevail on a House of Commons that was eager to discharge its duty, to go into a committee on the state of the nation. He would not, however, content himself with this general argument. An inquiry into the state of the nation would divide itself into various branches. It would be impossible for him in the course of the short time that he could hope to engage their attention, to go through the detail of all the circumstances which forcibly called upon the House to go into this inquiry; he should state only a few, but these, in his mind, would be sufficient to induce them, if they regarded their duty, to agree with him in his motion: for he owned he did not think it possible for any description of men to commit their reputation so far as to assert that they had done their duty to their constituents, if they refused the inquiry.

The state of the nation, (continued Mr. Fox), as I have just said, is undoubtedly to be considered in various lights. First of all, as to our own resources with respect to men; with respect to money; and with respect to the using of those men and that money for the purposes of the war in which we are engaged. But these resources of men and money and the manner in which they are to be used, are not only to be considered by themselves, but we are likewise to consider from whence those resources flow—the state of population, manufactures and commerce, and the general prosperity of the country. When we have done this, we must go next into a consideration of our connexions abroad. We must take a survey of our allies, the dependence to be placed on them, the situation of those allies, and the state not only of their will, but their power to act, and to serve the common cause. And even when these points are considered, there will remain others of equal importance to be discussed: I mean with respect to the principles on which we have hitherto carried on the war, and on which we are likely to continue it. It is material when we are engaged in a war, particularly of this kind, which has been qualified by so many different epithets, and on which the eyes of mankind are so peculiarly fixed; It is material, I say, that in such a war we should invariably maintain the character of moderation, humanity and justice, without which it is impossible that we should also support the character of vigour and exertion, of wisdom and prudence. These are part, and not the least important, of the resources of a country. They are important in another view, because it is essential to consider whether we have carried on the war with justice and vigour, with wisdom and prudence: and though I believe the contrary will turn out to be the case; yet if it should appear that the war, was not only just in its origin, but that we have acted in the prosecution of it vigorously and wisely, then I am afraid the result will be complete despair. If our conduct in the management of the war, has been marked with vigour and wisdom, and we have been more than two years exhausting our resources ineffectually; I wish to know, if neither from a change of measures nor a change of councils, I have any reason to look for better success in the future operations of this war; I wish to know, I say, what other inference I can draw but that of absolute irremediable despair? If that be the case, the result of an inquiry into the state of the nation will be, that confidence ought to be given to the king's ministers. For however calamitous the present state of the country may be, if it was brought about with-

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out any fault of theirs, undoubtedly confidence ought not to be withdrawn from them. But even in this case an inquiry will be material, because it will lead to a discovery of the true causes of our failure and of the present distresses of the country, and prove the necessity of abandoning the pursuit of an object, which experience has taught us cannot be obtained. The enquiry will be even advantageous to ministers by showing that they have acted with justice wisdom and vigour, in the steps which they have taken, though they have been unfortunate in the result. But if it should turn out, as I suspect it will, that ministers have not acted according to any of the principles I have now stated; if it should appear that they have neither acted with justice and humanity, nor with wisdom and vigour, then it is possible that the object may still be obtained, though the means must be varied. But, as I have already said, if ministers have acted with justice and vigour, then the result must be perfect despair; and it belongs to this House to force ministers if unwilling, to abandon an object, which a period of upwards of two years has proved to be unattainable. For that object, which experience has shown cannot be accomplished by ordinary means, must be bad, and ought no longer to be pursued.

Now, Sir, with respect to the first branch, I have premised, that it is impossible for me to state with accuracy to the House the loss of men in this contest; and if the House goes with me into a committee, I should certainly wish to have laid before them an accurate return of the loss of men since the commencement of the present war. First, with respect to the loss of the British as the most important part of the subject, we have had a paper laid before us this session, which from what appears on the face of it, cannot possibly be correct. I have compared it with other accounts on which I admit I have not the highest reliance, those detailed in the London Gazette; and I find a considerable difference between the loss of men as stated in the gazette, and that in the paper which now lies on our table. The paper upon the table, by giving a return of the privates only, and by omitting to give any return of the officers, serjeants drummers, &c. diminishes our loss in appearance at least one tenth. There are also losses mentioned, although perhaps not specified in the gazette, of which no return is to be found in this paper. There is one general item to which I wish to advert; an account of a considerable loss about the 9th of May, and of which no notice whatever is taken in the paper upon the table. I have heard there was some loss of British at Nieuport; British standards were taken at Valenciennes and Condé, and therefore there must have been a loss of British troops also in that quarter. The loss at Bergen-op-Zoom is not enumerated in this account. I mention these circumstances to show, that if any gentleman imagine that there was no loss of men during the last campaign except what appears from the paper on the table, they deceive themselves grossly; and there is but too much reason to suppose that ministers have concerted among themselves to make the loss of British appear less considerable than it really is. I have seen returns, which I believe to be authentic, which make the number of British in the month of September last 26,000 men. Now, are there any hopes, when that army shall come home, (and the sooner it comes home the better), that the loss out of that number will not be much greater than we have been taught to believe? Are there any hopes that half of that number will return? A list of the wounded, killed and missing, will not be sufficient, because undoubtedly in every army there is much mortality not included under what is generally called the loss of men; therefore instead of calculating the loss from the number of killed wounded, and missing, we must examine the general state of the army. We must compare its numbers at different periods, and include mortality of every kind. We must not only look to the army in Flanders, but we must look to our army wherever it is stationed, whether in the East or West-Indies, or on the continent. We must also attend to the number of recruits that have been enlisted since the commencement of the present war, and, by comparing the number of these and the general state of the army at different times, judge from a view of the whole circumstances what has been the real loss of men. If we follow this method, which I take to be the only just mode of calculation, then I believe we shall find that the loss of men sustained in this war has been such as will make every thinking man, who knows any thing of the state of the population of this country, reflect se-

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riously whether we can afford to substitute new armies for the old.

But we ought to ascertain not only the loss of men in the British army and navy, but also the loss of all troops in British pay. When that article comes to be stated, I believe we shall find the loss to be even greater than that of the British. That loss, it is evident, must likewise be taken into the account. But this is not all. If we consider that this is a war in which we cannot act but through the medium of great continental alliances, it becomes a most material part of the consideration to state also the loss of our allies. Is it or is it not true, that in the course of the last campaign only the number of prisoners of war who surrendered to the French republic amounted to more than 60,000 men? If this be true, ought it not to induce a British House of Commons to go into this inquiry before we proceed farther in a war which has brought so many calamities upon all who have had any share in carrying it on, and which has occasioned so dreadful an exhaustion of blood and treasure? Ought we not to go into a committee of inquiry to satisfy ourselves of the real state of our population, and to ascertain whether the country is able to bear such drains of men for the purposes of war? If we go into this inquiry, I will venture to assert, that, during the last campaign only, more than 60,000 men of all descriptions surrendered to the French republic. It is supposed, and I trust it is true, that this country has of late years increased greatly in population. That increase, however, has not been in proportion to its increase of wealth and prosperity. From some documents which were recently laid before the House, we find that the number of houses in Great Britain, now paying taxes to government, does not materially differ from the number of houses payiug taxes to government in 1777, a period of eighteen years, during which we are supposed to have advanced considerably both in point of wealth and splendour. I know that many persons reject this account and say it cannot be true, because it is contrary to general observation. Now with respect to houses paying taxes, it most certainly is correct: and it may be asked whether the great increase of houses of late is of such as pay taxes, or of cottages of the lower sort which are exempted? I have one more observation to make on this paper. In looking it over I immediately turned my eye to those places where I conceived the population had most increased. I looked at Middlesex and Lancaster, and I found, according to this paper, that the increase there has been considerable, and likewise in some other places; but that in other counties of Great Britain this increase seems to be balanced by a general decrease; and, therefore, the paper on the table, though not wholly to be relied on, is not wholly to be rejected. The increase in the two counties of Middlesex and Lancaster, which I have just mentioned, confirms the accuracy of the statement. The result, then, seems to be, that the population of Great Britain has not increased in proportion to its apparent wealth and prosperity, and that it cannot afford to repair the loss of blood which it has already suffered by the war.

But it may be said that his majesty has other dominions from which resources of men may be procured. I particularly allude to Ireland, to which, before I sit down, it may be proper for me to advert. There is no one circumstance in which our sister kingdom from her happy connexion with this country, is of more importance than in the number of men which she furnishes to the army and navy of Great Britain in time of war: and if, by any strange and crooked policy, that country should be alienated in affection from this, and lose that zeal which has commonly distinguished her in the public cause—I say, if any misguided policy should unfortunately produce such an effect, it is obvious that all the observations I have made on the population of this country, and its inadequacy to support such a ruinous war as that in which we are now engaged, will be strengthened to a degree which those who are not well acquainted with this subject can scarcely conceive.

The next article of resource which I mentioned is that of money. We have in the course of this war funded somewhat above fifty millions, and when we add to that the increase of unfunded debt, we shall find we have already incurred an expense of between sixty and seventy millions, and the permanent taxes which have been imposed in consequence of the present war, cannot at this moment be much less than three millions sterling. Now it is said, that though the permanent taxes of the country have been increased in order to supply the exigencies of the state,

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yet there are not such taxes as will be felt by the people in general. How far some of them have been well selected or not, is a question on which I shall not take up the time of the House to discuss. I shall only observe, that if they are necessary, they must be borne, unless better can be substituted in their place. But to say that the taxes of last year, and particularly those of the present, will not fall, and fall with terrible weight, on the middling ranks of the people, is to speak without any knowledge of the situation of the country. It is true, that it is proper to tax luxuries in preference to the necessaries of life: it is proper to tax heavily the higher orders of society, because they are well able to bear the burthen. But it has been falsely supposed, that in proportion as the rich are taxed the poor are relieved. In the present state of this country, those taxes which ministers call taxes on luxuries fall heavy indeed on the most numerous class of society, and consequently must fall with peculiar pressure on the poorest. The idea of imposing taxes which shall fall upon one class only, and shall in no degree be felt by the others, however plausible in theory, is in fact an idle dream. We cannot lay a tax on the poor that will not fall on the rich; and, I am sorry to say, it is not possible to impose a tax on the rich which will not be felt by the poor.

But let us admit for a moment that these three millions are not a burthen too heavy for the people to bear—if this war is to go on, let me ask the right hon. gentleman opposite, whether he has considered of the absolute necessity of imposing burthens for the next campaign to as great an amount, and possibly to a much greater than any which this country has yet experienced? For, if the war goes on, our burthens must necessarily increase in proportion to the length of its duration. Let it not be said in answer to this, "Sufficient for the day is the evil thereof." This is not an answer fit for a statesman to make, nor is it the answer which a British House of Commons ought to receive. This House ought to calculate on the continuance of the war, and to consider what are the resources by which it is to be supported. We ought to consider how far the people are able to bear more taxes, and the different branches of our trade and manufactures capable of supporting additional duties, for that more will be necessary in the course of the next year is what no man will dispute. Do not all these circumstances incontestibly prove that it is the bounden duty of this House to go into an examination of the present state of the country, and to prove to our constituents and to the people at large, that, as we have not spared their blood and treasure, so we will not spare our own labour or responsibility? It is only by entering into this investigation, and by comparing the object with the means, that we can determine whether we ought to renounce the object, or change the means by which that object is to be obtained; or whether we are to continue the same hopeless object with the same hopeless means; whether with the same administration, with the same advisers, we are to persevere in a system which has hitherto produced nothing but misfortune and misery.

It is said, however, that our resources are supported by the trade and manufactures of the kingdom, and that these are in a most flourishing condition. In order to see how far this assertion is well founded, let us a little examine the state of the trade and manufactures of the kingdom; and first of its manufactures. I wish to refer to those counties where the manufactures of Great Britain have been carried to the greatest perfection, and to know of gentlemen who are better acquainted with the state of those counties than I can pretend to be, what effect the present war has had upon them. I wish to know whether the manufactures have not been most materially injured by the war; and whether the circumstance of their appearing to have suffered less last year than in the year preceding, was not owing to our gaining the possession of the French West-India islands. I wish to know whether this was not one of the fortunate circumstances which had the effect of affording a temporary relief, but to the duration of which we cannot look with any reasonable prospect. On a former day, when the right hon. gentleman opened the ways and means of the year, flourishing accounts were given of the amount of our exports of British manufactures in the years 1792, 1793, and 1794. We were told that the exports in the year 1792, amounted to upwards of eighteen millions sterling; that the exports in the year 1793 were less than those of 1792 by four millions; and that the exports of the year 1794 exceeded those of 1793 by two millions, and consequently were only two millions short of 1792. Now, the loss of the first year

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of the war being two-ninths of the whole exports of British manufactures, must strike at the very root of our commerce. This is a loss which must impress every man, and must go to affect the very basis of our prosperity. The circumstance of the exports of British manufactures last year being two millions more than they were in 1793, is easily to be accounted for. I appeal to those gentlemen who are best acquainted with the commercial districts of the kingdom, whether it was not in a great measure owing to the sanguine speculations of some merchants in consequence of our lately acquired possessions in the French West-India islands. I would ask those who are acquainted with the county palatine of Lancaster, what has been the diminution of population since the commencement of the present war. I have seen papers myself, the contents of which, if the proposed inquiry is entered upon, I shall state to the House. According to those papers, the diminution of population and of manufactures in Manchester and its neighbourhood was truly alarming. We have no very accurate mode in Great Britain of ascertaining the population of the country. We have no better method, I believe, than by taking the number of marriages and baptisms. I have seen papers with regard to a great number of parishes in the most populous part of Lancashire; and the diminution, taken from a calculation of marriages and baptisms, is in some places one-half, in others one-third, and in none less than one-fourth. In all there is a diminution, and in the largest parish of Manchester, it is estimated at one-half; and that to a number so large, as to make the total diminution of the inhabitants amount to about twelve thousand. That this should be the consequence of the war, is exceedingly natural. But I would ask the House whether, when the very existence of the country is at stake, it does not become them to ascertain the truth, which can only be done by an inquiry into the state of our population and of our manufactures, instead of trusting to the absurd and idle expressions of the inexhaustible resources of the country. The information we might receive from a serious inquiry into the real state of our population, might induce us to change our means, or perhaps to change our object.

Now, Sir, another part of the resources of this country is our trade and commerce, as distinguished from our manufactures. With respect to the trade of this country, when I made a motion last year for an inquiry into the conduct of the admiralty, after taking considerable pains to state a variety of instances, where, as I conceived, the admiralty were highly negligent of their duty in not protecting the trade of the country, I received this short answer—"Look to the low rate of insurance." Having found that to be an argument so powerful with the House, I took some pains to inquire into the state of insurance, and will state some circumstances on this subject, which appear to me to afford sufficient ground for going into the proposed inquiry. It may be supposed that the motion respecting the admiralty might give rise to an opinion among the underwriters, that it would induce ministry to be a little more attentive to the protection of our trade in future, so as to make the risk somewhat less. I am not now deciding whether that be true or false; but it certainly was calculated to keep down the rate of insurance. The fact, however, is, that insurance from that time has been uniformly rising, until it has come to its present most enormous rate, a rate so enormous as the House may perhaps find some difficulty to believe, till the fact shall be ascertained by an inquiry. At present, insurance from this country to Jamaica, and to the other parts of the West-Indies, with all the alliances we possess, is as high at it was in the late American war, when this country had to contend with France, Spain, Holland, and America. With so many powers in confederacy, and France now our single enemy, insurance to the West-Indies is as high as it was at that time when we had so many powers leagued against us, and when the fleets of France and Spain united were confessedly superior in number to the fleets of Great Britain. With regard to the Mediterranean trade, strange to tell! at this period, after all that we have expended on the fleet there, insurance to that quarter is much in the same situation as it was during the last war.

With respect to the trade with Spain and Portugal, the present rate of insurance will appear to be as high as I have now stated it. With respect to the state of our trade with Spain, I understand that it is totally stopped with some of the ports of that country, on the ground that insurance is so high that the trade cannot be carried on. The insurance from Great Britain to Bilboa, or to Barcelona, is from

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twenty-five to thirty guineas per cent., and to add to this, the merchants are not only obliged to insure the cargo, but also the premium on it, otherwise they would only receive 70*l.* in the hundred: admitting the premium to be from twenty-five to thirty guineas, the real rate of insurance must then be from thirty-six to thirty-seven per cent. Now, whether it is possible that the trade of this or of any other country can support such a rate of insurance, it is for those who are better acquainted with this subject than I am, to explain. I believe no trade whatever can go on with this rate of insurance, and therefore another mode has, I understand, been adopted: that a great part of our manufactures have been sent to Hamburg, and from thence have been conveyed in neutral vessels to Spain and Portugal. The same fatality that has accompanied every part of the war has been felt here; the price of insurance between this country and Hamburgh, which was formerly only one or one and a half, has now increased to ten per cent. When this subject was last before the House, facts were adduced to show that insurance was not only very low, but extremely advantageous to the underwriters. But is not the fact now directly the reverse? Has not the credit of the underwriters been greatly diminished in consequence of the losses they have lately sustained? Although individual underwriters may be found, who will underwrite policies at seven per cent., merchants prefer paying companies ten per cent. on account of their superior security. So low is the credit of the underwriters! This clearly shows that, high as the premium is, it has not been high enough to insure the underwriters. I mention these facts, with respect to insurance, because without them my argument would have been incomplete. I have not stated the present rate of insurance, with any view to show how ill our naval force has been employed for the protection of our trade; but I have stated it merely to prove that, from the high price of insurance, there is every reason to believe that trade and commerce, the great basis on which our revenue stands, are affected in a considerable degree, and therefore, that it is of the utmost importance to consider the real state in which at present we stand.

I now come, Sir, to the next point to which I alluded—I mean our connexion with other nations. It is hardly credible that a British House of Commons should so far forget their duty, as to vote away sums never before heard of; and persist in the prosecution of a war, without even knowing whether we have allies, or if we have any, who they are; what are their situation and circumstances; and what their abilities and inclinations. It is material for this House to know who the allies of this country are. I have frequently asked the right hon. the chancellor of the exchequer questions with respect to the emperor and the king of Sardinia, but I have never received any satisfactory answer. Is the king of Prussia an ally of this country, at this moment, or is he not? Am I to take it for granted, without giving myself the trouble to inquire, whether so material a personage is or is not our ally? I know he was our ally by treaty in 1788; I know he was our ally by convention in 1793; and farther, that he was our ally by subsidy in 1794: but I ask, whether he is our ally at the present moment? Did the king of Prussia fulfil the treaty for which the subsidy was granted? If he did, why was it discontinued? If he did not, ought not this House to be apprized of his breach of faith? Ought not this House to be informed of the moment in which he ceased to be our ally? It is indispensably necessary, for the honour of this country, that this House should have a perfect knowledge of the whole of this business; for without that knowledge we cannot pass a judgment on the conduct of the king of Prussia. If, when we go into this inquiry, we find that he has kept his engagements with this country, we shall be enabled to do justice to that much injured monarch. But if, as I suspect, he has not, is it not fit that this House should call to account the king's ministers for having squandered away such immense sums of the public money? An inquiry, in every point of view, will be productive of advantage; for, by going into a committee, we shall be enabled to see distinctly whether the king of Prussia has fulfilled his treaties; and if he has, I am sure this House will be disposed to do ample justice to so good a prince. But if the contrary shall turn out to be the case, if it shall appear that he has notoriously failed in the performance of his engagements—is it not material that this House should declare its indignation at such a conduct, and show, that they will not tamely suffer themselves to be so duped by any prince in future? If the

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king of Prussia is no longer an ally of ours, what becomes of his other treaties? Let me remind the House, that the king of Prussia was to send into the field 62,000 men, but that we were only to pay for 30,000. In consequence of the treaty of 1788, he was to furnish us with 32,000 men, without any additional subsidy: what, then, has become of that treaty? We readily gave a subsidy to the king of Prussia to furnish us with 30,000 men. He was bound by a former treaty to furnish us with 32,000 men for nothing; but it now turns out that we have not only lost the 30,000 men we subsidised, but also the 32,000 we were to have for nothing in virtue of his previous engagements. Now I ask, is such conduct to be borne? and are we to be told of the advantages to be derived from alliances with regular governments, and of the dependence to be placed on the regular government of Prussia? France is not a regular government, and we have heard much of the danger of treating in any shape with her: but Prussia, we were told, we may rely on; and the result has been, that instead of having what we stipulated and paid for in the last instance, we lose what we were entitled to by previous agreement. And, notwithstanding this flagrant conduct of the king of Prussia, a British House of Commons consents to squander away the wealth of the country, to lose the whole army supposed to be purchased by it, merely because the minister chooses to say he is not informed of the particulars of the breach of that treaty! The question now is, whether this matter is to be inquired into or not? The minister adds, that even admitting that the king of Prussia has not sent into the field the armies he undertook to send, it is not thence, in fairness of reasoning, to be inferred, that our other allies will not be faithful to their engagements. I have heard it asserted in this House, that the king of Prussia continued to execute a part of his stipulation for a considerable time, and that the payment, on our part, was discontinued when he failed in the performance of his engagement. It was asserted by an hon. baronet, that the part he acted was more beneficial to the common cause than if he had strictly and literally conformed to the terms of the treaty. Let this curious assertion be inquired into and ascertained. If it shall be proved, let the House do their duty, and render justice to that ill-treated monarch; let them declare that ministers have acted towards him with treachery and injustice; or if not, let them do justice to ministers, and declare that their conduct has been wise and upright.

But, Sir, I have at this moment no certain means of information as to what we have to look for from the prosecution of the war. I have read in some of the newspapers that the king of Prussia is sending a large army to the Rhine, and in others, that he considers the Rhine as a proper boundary for France; it is said by some that he is marching towards Westphalia against the French, and by others, that he is marching against the allies. Now, we ought to know precisely the truth. I wish to ascertain what probability there is that he will be our ally, that he will be our enemy, or that he will remain in a state of neutrality? What demands have been made from this country with a view to an explanation, and in what manner he has treated the applications of the British ministry for that purpose? I want to know what communications have passed, and what remonstrances have been made; for remonstrances must have been made, or ministers must have grossly neglected their duty. The treaty of 1788 was a defensive treaty. France declared war against us; and therefore, say the gentlemen on the other side of the House, we were forced into the war by their aggression. I confess I shall doubt their sincerity, unless they have called upon the king of Prussia to perform his treaty. Although his majesty's ministers might say to the king of Prussia, "We have been attacked by France, and therefore call upon you to assist us, agreeably to your treaty," that monarch might have replied, "No; I know better, though you have procured a confiding parliament to say so; you were the aggressors, and therefore I am not bound in consequence of my treaty, which was only defensive, to furnish you with 30,000 men." I ask the House whether they can so far betray their constituents, as to go on without inquiring what the conduct of the king of Prussia has been towards this country, and what our conduct has been towards him.

There is another answer which may possibly be made by the king of Prussia, in vindication of his conduct, and which would explain the assertion of the hon.

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baronet. He may say, "The object of this war was not the saving or gaining of this or that particular province, the capture of a town, or the recovery of a fortress. The object of it was the suppression of those Jacobin principles that were subversive of all regular governments." He may say (as has been stated by an hon. baronet), "I have done better for you than you have done for yourselves. It was essential to crush Jacobin principles in Poland. You fought for morality, religion, and social order. I fought to suppress those anarchical principles which went to the destruction of all regular governments. Who was of the greatest service to the common cause—he that took a town, a city, a fortress, or an island, or he that prevented Jacobin principles from taking root in Poland, and dashed the cup of rising freedom from the lips of that abominable people?" The destruction of even one man—the destruction of Kosciuscko—who by his character gave credit to the cause of liberty, and by the ardour of his zeal animated the sacred flame in every congenial bosom throughout Europe—what signified the recovery of Flanders, or the preservation of Holland, to the capture of Kosciuscko? The destruction of this man, and with him of the seeds of growing liberty, tended more to the success of the real cause of the confederacy, than any co-operation with their troops which might have been the means of saving Holland or of recovering Brabant. If so, the country should know, through the medium of this House, that his majesty's ministers have advanced twelve hundred thousands pounds to the king of Prussia, to enable him to subdue Poland; for without our assistance, he could not have effected what he has done in that country; and if he had not been employed in that quarter, he would have done as much for the common cause against France as he has done—which is just nothing. Does it not become us to inquire into this business, in order that we may drive disgrace from ourselves to those on whom it ought to attach?

The king of Prussia, I suppose, is no longer to be considered as our ally; but if he is, let us look to his ability, and consider how far he is to be depended upon. From an authentic paper, I find him stating to the diet of the empire his situation; in which he declares it is utterly impossible for him to continue the war. He announced, about twelve months ago, that he had actually begun to withdraw his troops from the Rhine homewards on the ground of his incapacity, in a pecuniary point of view, to support such large armies; and he continued to withdraw his troops until he received assistance from us. It is therefore clear, that, without additional pecuniary aid from this country, whether willing or unwilling, he is totally incapable of prosecuting the war; and therefore, if we are to look upon him as an ally, he must be subsidized or hired; nay, possibly, we may be obliged to purchase his neutrality—and even in that case, I know not but he may make us pay for every one of his troops. Considering, therefore, the king of Prussia as much more likely to assist the French than to co-operate with us, we must regard him as a person gone off from the alliance.

I now come to our great friend the Emperor. I am told that it is most unjust, indeed, to reason from Prussia to Austria, or from Leopold to Francis; that the present Emperor is a personage of unsullied integrity; that we are not to judge of him from the character of some of his predecessors; and that we are to consider the court of Vienna as completely unblemished in point of honour. We find that the Emperor has made declarations nearly to the same effect as those of Prussia. In the declarations published by the prince of Cobourg, he says to the people of Germany, "You must take your plate from your table—you must take your plate from your altars—you must collect all your valuables, whether profane or sacred—you must put all the property you possess in a state of requisition; for without such extraordinary exertions, the emperor cannot carry on the war." But, it may be said, we will enable him to come forward with a large force, by granting, in aid of his resources, a loan of four or six millions. Now if the Emperor, either from inclination or inability, should fail in his engagements, and should, contrary to his character for good faith, neglect to perform his treaty, we have not even that miserable tie on him which we had on the king of Prussia. When the Emperor ceases to perform his treaty, we cannot stop our payments, because the emperor says, "Give me it all at once." Our money, therefore, is absolutely necessary to enable him to stir in the first instance; and if, either from want of ability or any

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other circumstance, he should fail to perform his treaty, it is obvious that the money we advance him must be irrecoverably lost. And farther, if so large a sum is necessary to enable his imperial majesty to act in the present campaign, will not an equal or a larger sum be wanted for the next campaign, if the war should continue? And therefore gentlemen must clearly see, that the whole of the burthen of the war will fall on this devoted country. When Great Britain entered upon this war, she was promised the assistance of all Europe; and in less than twenty-four months, the whole burthen of the war has devolved upon Great Britain!

But, it is said, we have other allies. We have allies in Italy and Spain. But alas! although we pay great subsidies to the Italian princes, we have scarcely heard of a movement in that quarter. Indeed, to consult the London gazette for 1794, we might suppose Spain and Italy to be neutral powers, as no notice is taken of their military operations during that period. With respect to the king of Sardinia, our first ally in Italy, whatever gentleman may have thought at different periods of this war, it is possible, if he had enjoyed a real and *bonâ fide* neutrality, it would have been much more beneficial to this country than any diversion which he has been able to make. With regard to the diversions attempted in the south of France, what advantage the cause of the allies has reaped there from diversions I am at a loss to discover, and I believe this House has yet to learn.

But we have another ally, the king of Spain. Now, what is the real state of Spain? It is of importance that we should turn our view to the present situation of that country. A great part of its north-eastern provinces has already been conquered by France: Bilboa and Barcelona are in a considerable degree of danger. Are we to look, then, to the Spanish monarchy as being possessed of force sufficient to act against France with effect? Or is it not that part of the alliance which is the most weak, and on which it is probable the French will soon make an impression, that will decide the fate of the war in that kingdom? I was told there was such a store of vigour in that country, that the people would rise in a mass against France. But when that came to the trial, there was nothing which apparently so much contributed to the failure, as the individual treachery of the officers of the king of Spain; in no quarter was there so much cause for jealousy, or of a want of disposition to resist the French. It may be asked, Was Figueres taken by the French, or did it not surrender? It is extremely probable that French intrigue upon this occasion operated more than French force. It was also imagined, that the bigotted attachment of the Spaniards to the Roman Catholic religion would inspire them with vigour against the French, who are supposed to have trampled upon all religion. But was this the case? We know the reverse to be the fact.

But what is the state of Spain in other respects? Of all parts of Spain, there is none in which there is so much vigour as in Catalonia; into the heart of which the French have penetrated. What was the history of that people? When the French by their arms had made a considerable advance into the province, the people of Barcelona determined to resist their progress, and to undertake their own defence. Accordingly, they sent a deputation to that effect to Madrid, stating that they wished to undertake the defence of the country, and that they would defend it to the last drop of their blood, provided no Spanish troops were sent to their asistance except some particular regiments, which they specified, and provided an assembly of the state was called. This deputation received no answer; or rather, they received a direct refusal; and the French found but too easy a conquest in that province. I mention this to show, that Spain is not a country to be depended upon, and that she is one of the weakest of our allies. The king of Sardinia and the king of Spain were to have made different diversions in aid of the confederacy. The king of Sardinia undertook to make a diversion in Dauphiny, and at this moment the French are masters of Nice and Savoy. Spain engaged to make a diversion in Rousillon, and the French are now in possession of Navarre, Biscay, and Catalonia. All these allies, therefore, upon whose exertions so much dependance was placed by the ministers of this country, are now so many dead weights upon our treasury.

Are the Spaniards in a much better situation in regard to their finances? It is true they have not yet called upon this country for a subsidy; but they must either soon make that application, or,

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what will be much more beneficial for themselves, make a separate peace with France. They have had recourse to measures of finance of a very extraordinary nature. I shall name one of them. Gentlemen will recollect that an hon. friend of mine, not long ago, made a motion in this House for laying a moderate tax on all offices and employments under government during the war. The House will recollect with what ridicule that motion was received. It was considered as a paltry resource, to which no nation, that was not utterly exhausted in its finances, ought to resort. But what has the king of Spain done? The Spanish court has laid a duty of four per cent. upon every person enjoying any office in Spain above one hundred and fifty pounds per annum, and a tax of twenty-five per cent. upon the salaries of all the counsellors of state, for the support of the present war. I am not commending this expedient. I am only stating it, to show what the situation of Spain is with respect to her finances; and how little the allies can rely on that country for support in the prosecution of the war.

Such, Sir, is the real situation of our allies, according to the best information I have been able to procure. And is not this an additional argument for going into an inquiry into the state of the nation, in order to ascertain distinctly the precise dependance we ought to have on the exertions of our allies? I shall next proceed to the consideration of our own conduct, and to examine what strength we have derived from the estimation which rectitude and dignity, moderation and justice have procured us in the eyes of Europe. I am one of those who firmly believe, that the greatest resource a nation can possess, the surest source of power, is a strict attention to the principles of justice. I firmly believe that the common proverb, of honesty being the best policy, is as applicable to nations as to individuals; that this which the conviction of mankind has made an axiom, is universally true; and that cases which may sometimes be supposed exceptions, arise from our taking narrow views of the subject, and being unable at once to comprehend the whole. If, therefore, we have been deficient in justice towards other states, we have been deficient in wisdom, and have enfeebled our arm in our efforts against the enemy. Justice is fairly to be ranked among the number of our resources; and it is the duty of the House to inquire whether or not our conduct since the commencement of the war has been such as to entitle us to the good opinion of the wise and observing part of mankind. I am not now going to discuss the justice of entering into the war; but I wish to call the attention of the House to the conduct of the king's ministers in prosecuting it. For whatever may have been the motives which induced ministers to enter upon it, the means they have employed in carrying it on are fit subjects for examination in this House. When we entered upon this war, we were sanguine enough to suppose that all the civilized part of the world would see it with the same eyes as we did. When I represented in this House, that the plan of starving France adopted by ministers was absurd and impracticable for that France would receive supplies from neutral nations; when I stated the means by which neutral nations might supply France, I was answered, that in this war the neutral nations would be very few, if any. But what is the case at the end of two years? That neutral nations are many and increasing? and that the great neutral nation, America, has continued neutral from the beginning. It is of infinite importance to a nation that respects its honour—that even respects its interest, which is inseparable from its honour—to gain the good opinion of surrounding nations for justice, magnanimity, and moderation. Has Great Britain done this, or the reverse? What has been your conduct to Sweden, to Denmark to Genoa, to Tuscany, to Switzerland—to America while you durst? I do not speak of any particular minister at foreign courts; for many of those ministers I feel great respect, and with some of them I am connected by friendship. I am ready to admit that, if they acted contrary to their instructions, ministers at home are not responsible for their conduct; but I am persuaded that they did act according to their instructions; for, if they did not, ministers here were bound to recall them, and disavow what they had done.

With respect to America I shall say nothing at present, except that, after giving orders for taking her ships, we recalled those orders, and have since entered into a treaty by which we agree, properly I believe, justly, and if justly wisely, to pay for the rashness and folly of issuing them. Next, with regard to Denmark and Sweden, which were in this case so inti-

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mately connected in point of interest, that whatever was addressed to the one might be considered in fact, although not in form, as addressed to the other. To the court of Copenhagen we presented memorial after memorial, couched in the most peevish and offensive terms of remonstrance on the neutrality of his Danish majesty. These memorials were answered by the minister, M. Bernstoff, with such temper, firmness, and diplomatic knowledge as obliged us at length to desist, and raised his character higher than that of any Danish minister ever was before. We engaged in a diplomatic contest upon the subject of neutrality, in which we shewed our complete ignorance of the rights of neutral nations, and were foiled accordingly.

What has been our conduct towards the grand duke of Tuscany, a prince who, although belonging to one of the most illustrious families of Europe, is known not to be possessed of any great military power? Lord Hervey goes to the grand duke of Tuscany—not to the emperor, the king of Prussia, or any potent monarch—and says to him, "Can you pretend to maintain neutrality with such a government as that of France?" calling the French government all the hard names which "regular governments" think themselves authorised to bestow upon it; and not recollecting that one of the heaviest accusations against the French was their having presumed to intermeddle in the internal politics of other nations—"Can you basely refuse joining the league against the murderers of your aunt, the declared enemies of your whole family, and the avowed subverters of all established government, order, and religion? I know to what cause your hesitation is owing. It is because you give credit to bad ministers; it is because you lend too favourable an ear to the advice of your minister Manfredini, a man who has gained a pernicious ascendancy over your mind, but who ought no longer to have any share in your councils." Lord Hervey, after thus telling an independent prince that he was not to listen to the advice of his own ministers, might with equal propriety have gone on to tell him that he ought to be guided solely by the counsels of the right hon. gentleman over against me. "Your ministers," he might have said, "are ignorant and incapable; the British ministers are wise and able. Observe into what a situation they have brought their own country, and you cannot doubt with what wisdom and vigour they will consult for yours." This language of lord Hervey has never been disavowed by ministers. It has even been imitated by his successor, and therefore I must consider it as having been the language of his instructions. And thus by menace and insult was the grand duke of Tuscany compelled to renounce his system of neutrality, contrary to his own inclination, to the advice of his ministers, and the interests of his people. Such was the conduct of ministers when we were powerful in the Mediterranean. Lord Hervey was at length recalled, and another gentleman whom I personally respect was appointed in his stead, and instructed to follow the same course. At last, after, we lose our power in the Mediterranean—when events turn out against us—we submit, not only to the neutrality of the duke of Tuscany, but to his concluding a treaty of peace and amity with the French republic!

In Switzerland, lord Robert Fitzgerald, for whose character I have too high a respect to suppose that he would exceed the letter of his instructions, in the name of the king of Great Britain, tells the independent Swiss cantons, in the language of insult and injustice, "That he will not decide, whether justice and their true interest permit them to remain neutral against those who would again reduce them to barbarism, in a war of almost all the powers of Europe, in a war where not only the existence of every established government, but even that of all kind of property is at stake. He will only observe, that neutrality itself will not authorise any correspondence, directly or indirectly, with the factious of their agents." He tells them in effect, that although they may call themselves neutral, they are not to allow their subjects to reap the benefits of that neutrality by intercourse with France. Who made you the arbiters how far intercourse ought to be allowed by independent states between their respective subjects? Where did you get the right? Or, if you have the right, where is your power to enforce it? The Swiss cantons return a civil and dignified answer, "That a rigid and exact neutrality was the invariable maxim of their ancestors; and having received it as a sacred inheritance, they conceive it their duty to abide by it. That they trust his Britannic majesty, following the example of his illustrious ancestors, will respect the inde-

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pendence of the Helvetic confederacy." In the mean time, they carry on their intercourse with France in as high a degree as it is their interest to do, regardless of our menaces; and we have now the mortification to feel, that the coarseness of our insult was equalled only by its impotence. We have nothing to boast of, but the rashness of our design, and the meanness of the attempt to carry it into execution.

What has been our conduct towards Genoa? Ministers hold the same language towards that state, and tell them, If you continue in your neutrality, it must be offensive to the combined powers, and may give occasion to revive claims which must lead to disagreeable consequences;"—a meaner threat never was employed. Who are the parties in this mighty contest? Great Britain, taking upon herself to dictate for all the combined powers, and the republic of Genoa—this country not only admonishes the republic of Genoa against observing a neutrality, but threatens her with war if she does. Look at this, and see a picture of insolence, injustice, and meanness, exceeded only by the feebleness of the attempt to follow it up! The fortune of war being against us, even the little republic of Genoa is stout; and after blockading her port, we are content to withdraw our ships, and forced to submit to her neutrality with an ungracious apology for the injustice we have done. By such conduct we have impaired the character of the nation for justice and magnanimity, and given to Great Britain a character of meanness and insolence which was never before imputed to her, a character which has destroyed more countries than the loss of armies. To put this in a stronger point of view, let us contrast it with our conduct to America. Did we tell America that all intercourse with France was disgraceful, until France should restore her king? No! It is only to the weak and defenceless that we talk big: to the great and powerful we apologize, and agree to pay for all the injustice we have done them. If any one principle in the law of nations be clearer and more generally acknowledged then another, it is that of a right in every nation, which no treaty obliges to the contrary: to preserve a complete neutrality. Let gentlemen consider the sacredness, of this right, and the miserable condition of every weak country, if whenever great powers go to war, for what they may call the cause of justice, order, religion and regular government, but what others may think views of ambition, and aggrandizement, every weak prince, every petty republic, were to be compelled to take a part in the contest. If such were to be the condition of society; if men were not allowed to enjoy that neutrality which their independence entitles them to, they would begin to doubt the benefits of society, and listen to the paradoxes of those who maintain that all established rules and principles are the bane of society.

If the House shall agree to go into the committee, it is my intention to move for the correspondence between his majesty's ministers and their agents at foreign courts; not for the purpose of punishment but to vindicate their and the national honour. If it should turn out, as I believe it will, that our ambassadors have acted consistently with the letter and spirit of their instructions; that they have only used the words and sentiments of the cabinet of Great Britain; then it will become this House to show that ministers are not the nation, and that whatever may be their principles, the principles of the nation are justice and magnanimity. It will then become us to show to all Europe, that we would rather hold high language to the strong and powerful than to the weak and defenceless; that instead of insulting and injuring the weaker states of Europe, our inclination is to protect them against the greatest and most powerful.

I shall now, Sir, without considering whether this war was justly or unjustly undertaken, proceed to examine with what wisdom and upon what principles it has been conducted. I shall pass by all the considerations that ought to have preceded our determination to go to war, great and important as in my mind they were, and suppose war actually resolved upon. When we had come to this resolution, was it not, I ask, of the utmost consequence to our success, that the object of it should be clear? No two things can be more distinct from each other, than fighting for a country and fighting against it. If ministers had acted up to the character of statesmen, they would have taken one or other side of the alternative with all its advantages and disadvantages. They would have said, "We are going to war with France, not on account of her form of government we care not what form of government is established in France.

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It is of no consequence to us whether that country be governed by a monarch, a convention, or a Jacobin club: this is no cause of war. But we go to war against France to protect our allies the Dutch, and to avenge the insults she has offered to the British nation;" or, they might have taken a different course, and have adopted the idea of a right hon. gentleman, not now a member of this House, (Mr. Burke), of whose great genius and distinguished character, although I have lately had the misfortune to differ from him in opinion, I shall never speak but in terms of the highest respect and admiration. They might have taken the course pointed out by that right hon. gentleman, who, by rather an odd figure said, "We are not fighting for the Scheldt; we are fighting for the destruction of the greatest evil that ever threatened the civilized world,—the French revolution; we are fighting for the restoration of monarchy in France; we are fighting for the re-establishment of regular government; to restore the emigrants to their property: we are fighting for the French nation against the French convention: we are fighting for our constitution, our monarchy, our laws, our religion, our property; for unless monarchy be restored in France, monarchy will not be safe in other parts of the world, his majesty will not be safe upon his throne; unless their property be restored to the emigrants, the property of every man in this country is insecure." When his majesty's ministers determined on the prosecution of this war, they should have made choice of one or other of this alternative each of which would have had its inconvenience. If they had chosen the former, and said, "In going to war with France, we wish to have nothing to do with the nature of her government—we are totally indifferent about her internal situation, and only fight to compel her to make atonement for insults offered to us;" —it would have been attended with this inconvenience; we should have had no pretence for expecting the assistance of any French emigrants, or of insurgents in any part of France, except in as far as by resisting the convention, and endeavouring to promote their own views, they might, without intending it, facilitate the accomplishment of yours. We should have had no claim upon the inhabitants of La Vendée Britanny, Lyons, Marseilles, or any other place where hatred of the convention provoked insurrection; because neither with them nor with the French emigrants should we have had common cause we should have had no right to look for the co-operation of those powers, whose object was, the restoration of Louis 17th to the throne of his ancestors. But, on the other hand, we should have had, what in my opinion, would have fully compensated all these disadvantages; we should have quarrelled with France on equal terms, and fought with her upon known principles. France could not then have made the efforts she has made. If we had set out with declaring that we wished to have no concern with her internal affairs, I ask, would it have been possible for France, in consequence of enthusiasm or terror, or of both combined to have raised and supported those immense armies, whose exertions have astonished Europe? Would terror have compelled such exertions and such sacrifices, when the people of France knew that they were only fighting for the Scheldt, or for a fortress on their frontier, or an island in the West-Indies? Is it probable, if such had been the object of the war, that we should have had raised up against us what has been emphatically called, and emphatically felt, an armed nation? Would the Convention have been able to persuade them that they were fighting for their liberties, their lives, and for every thing that is dear to the heart of man; that they had no choice but victory or death, if they had been clearly and distinctly told by us, that the whole contest was about the navigation of the Scheldt, and the security of Holland? But when the whole people of France, in consequence of the declarations of Great Britain, were convinced that their very existence as an independent nation was attacked, then they began to rouse themselves; then they began to unite in defence of what they conceived to be their just rights and liberties; and under the influence of this conviction it was, that those effects were produced which have astonished the world, and are unparalleled in the history of nations. If, on the other hand, the aid of the French emigrants and insurgents in France had been thought an advantage superior to all this, we should have taken the other part of the alternative and said, "Our object in going to war is to establish a regular form of government in France." The inconvenience here would have been, that from the very moment of making this declara-

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tion, we should have had united against us every republican in France, in that vigorous way in which we now see them united. We should have persuaded them as we have done, that they had no other chance for liberty, than by uniting as an armed nation, with activity and vigour. If we had said at the outset, "We wish not to dismember France; we wish not to partition her territory; we wish not to weaken or diminish her power, or to aggrandize Great Britain at her expense; our sole object is, to restore to her the blessings of a regular government, and to good citizens the enjoyment of their rights and property"—in that case, we should have had this advantage—every emigrant from France in every part of the world would have felt in common with the British cause. Every French loyalist would have gone hand and heart with the British nation; even such republicans as disliked the system of terror more than they disliked monarchy, would have exerted themselves in our favour. We should then have had a fair opportunity of trying, what were the sentiments of the people of France with respect to the revolution; and whether a majority of the nation wished for a monarchy or a republic? We should have reared a standard to which Frenchmen who loved their country might have repaired. Now by indulging the childish hope of grasping the advantages of each side of of the alternative, we have gained neither. How could it be otherwise? When we took Valenciennes, instead of taking it for Louis 17th we took possession of it in the name of the Emperor Francis. When Condé surrendered, we did the same thing. When Mentz surrendered, the garrison was dismissed to be employed against the royalists of La Vendée. Was it possible for any man to be so ignorant, as to doubt what our intentions were? How, then, was it possible for us to suppose that our conduct would produce on the inhabitants of France an effect different from what it has done? When sir Charles Grey and sir John Jervis took Martinique, Guadaloupe and the rest of the French West-India islands, did they take possession of them for Louis 17th? No; but for the king of Great Britain, not to be restored to France when monarchy and regular government should be restored, but to be retained as conquests, if the chance of war would leave them in our hands.

While such was our conduct in all parts of the world, could it be hoped that any French emigrant, whose situation was not desperate indeed, would join us; or that all who were lovers of their country more than lovers of royalty, would not be our enemies? To attend to justice is, in all cases, peculiarly important; and the love of country is a motive so powerful, as to be often used as a pretext, even by those who do not feel it. The royalists of La Vendée, of Britany, and other places, took the field and held out long and bravely; but what could they say to the people of France—what could they put in their manifestoes, of equal weight with the addresses from the Convention? They might say, "If we conquer, the French monarchy will be restored; but it will be restored with the territory of France curtailed and diminished, one third of it, perhaps, divided among rival powers." The Convention could say, "If we conquer, France will remain entire, a great and independent nation, triumphant over all the powers who have confederated against her liberties." With such discouragements on the one hand, and such flattering prospects on the other, was it to be expected that any considerable number of Frenchmen would connect their own cause with that of the allies? We have so shuffled and trimmed in our professions, and been guilty of such duplicity, that no description of Frenchmen will flock to our standard.

It was a fatal error that we did not, in the commencement of the war, state clearly how far we meant to enter into the cause of the French emigrants; and how far to connect ourselves with powers who, from their previous conduct, might well be suspected of other views, than that of restoring monarchy in France. It will be said, that we could not be certain in the first instance how far it might be proper to interfere in the internal affairs of France; that we must watch events, and act accordingly. By this want of clearness with respect to our ultimate intentions, we have lost more than any contingency could ever promise. All obscurity ought to have been removed, and we ought to have distinctly adopted one or other side of the alternative. Every place was not taken for the allies. It was understood by those who surrendered Toulon to Lord Hood, that he accepted it on this condition—that he was to adhere to the constitution of 1789. Whether ministers intended to observe that condition

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I know not; but in their subsequent publications they gave reason to hope that they did. In their declarations they offered peace and protection to all well-disposed Frenchmen, who should join in restoring monarchy without specifying what kind of monarchy. Have they fulfilled that promise? What kind of protection have they afforded to those who endeavoured to restore monarchy? Have not the royalists, for want of assistance or encouragement, been obliged, however reluctantly, to submit to the laws of the republic? If the allies had been fighting either for France, or against France, what should have been their conduct towards La Fayette and Dumourier? The seizure of La Fayette, by the Austrians was contrary to the law of nations; and their treatment of him must condemn their name to eternal infamy. They found him and the companions of his misfortune, not at the head of an army, nor in arms, and took them against all the laws of nations and of war—not to be treated as prisoners of war, but as prisoners to be consigned to a dungeon. If the allies were fighting against France, surely they ought not to have treated as criminals generals coming over to them from the enemy. Dumourier came over when he thought he had great power with his army. That power turned out to be much less than he had imagined; but it was impossible that a man who had served his country with so much reputation, with so much ability and success, should not have had a considerable party in it. How was he treated? When they found that he could not bring along with him so great a portion of his army as they expected, after having extolled his virtue at the moment when he had rendered his virtue at least doubtful, they drove him from them a wandering fugitive, as if they had passed a decree expressly forbidding any French general to abandon the standard of the republic in future. By acting in this manner, as is well expressed in a French pamphlet I have recently read, "we are more unaccountable in our political conduct than any of the most bigoted religious sects, for we even exclude converts; which I believe was never done by any sectarists. Our conduct, therefore, in this respect, is perfectly new: for after Dumourier becomes a convert to, and espouses the cause of the allies, they refuse to receive him. But if we and our allies were fighting for France against the Convention, we ought to have praised this general as a convert, we ought to have received him with cordiality, and held him up as an example for the conversion of others. If we were fighting against France, we should have considered all Frenchmen as enemies, in the common acceptation of the term, and not by denouncing vengeance for crimes committed in France, as was done by lord Auckland, in a paper published at the Hague, have given ground for that enthusiasm of resistance which inflames the minds of men who conceive their lives to be attacked—an enthusiasm which has united for common defence those who in every moment of respite, were tearing one another to pieces, and sending their opponents to the scaffold whenever they could supplant them in power. If the allies were fighting for France, the restoration of monarchy and regular government, I mean not to say that they should have granted impunity to those who were more immediately the cause of the murder of the king: but they ought not to have begun with thundering forth a manifesto, threatening Paris with military execution, and even total destruction; denouncing vengeance which necessarily alarmed all men, as no man was named; a manifesto which we cannot even now endure to read, but by contrasting the pride and cruelty of the menace with the impotence of the attempt to put it in execution. If we were fighting for France, we ought to have assured the people of France that we had no views of aggrandizement, much less of dismembering the kingdom, or taking vengeance of the inhabitants. We ought to have convinced them that we entered France, not to conquer, but to restore; and the very first step should have been to publish a general amnesty, with some exceptions. A whole nation may be misled, but cannot be all guilty. As has been said by the great man already mentioned, "I know not how to draw an indictment against a whole nation." Some exceptions to the general amnesty might have been necessary; but these should have been mentioned by name, that others might have had nothing to fear. By this mode of proceeding, many persons deserving of punishment might have escaped; but this would not have been so bad as terrifying all the people of France by indiscriminate threats. This I conceive to be a fundamental error. I would therefore have the House go into an inquiry, that we may de-

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clare this error to be fundamental, if so it shall appear to be; that we may take some intelligible ground for our future conduct, define clearly and distinctly the object of the war, and put the remaining quarrel with France upon such a footing, as to show whether we are really fighting for France as a nation, or against her. Is there a man who believes that, to define our object, and to demand it of the French government, even at the price of recognizing that government (as far as to negociate is a recognition), would render it more difficult to be obtained by force of arms, if the French should refuse to grant it? Does the right hon. gentleman himself believe that, if the convention were to refuse reasonable terms of peace, they would be able to call forth such extraordinary exertions on the part of the people for continuing the war, as the general persuasion of the people that they have no alternative but conquest or subjugation has hitherto enabled them to call forth?

Having mentioned these great and fundamental errors, it is hardly necessary to enter into those that are more minute. It is almost sufficient to name them. If we took possession of Toulon, not with a view to conquest, but with the intention of supporting the cause of monarchy in France, it was the most important advantage we could have obtained, and to the preservation and improvement of which all our attention ought to have been directed. Yet we left Toulon with a very small English force, trusting its defence to the aid of allies, who were either unable or unwilling to defend it. This was said to be done for the sake of an expedition against the French West India islands, an expedition of much less importance than the defence of Toulon; and that expedition was again crippled by collecting troops under the earl of Moira for a descent upon the coast of France—a descent for which an opportunity has never yet been found, and therefore government has never been able in any way to avail itself of the force so collected. In consequence of this, Toulon was lost; and a number of troops were sent to the West Indies sufficient, indeed, to take the islands but not sufficient to keep them. Gaudaloupe, we know, is gone; there is little hope of our being now in possession of any part of St. Domingo; and we are far from being without well-grounded apprehensions for the safety of Martinico and the other conquered islands.

With respect to the last campaign, our great and leading error was, confidence in the king of Prussia, in the Belgians, and in the Dutch. We told the people of the Austrian Netherlands that we were fighting for their religion, and the people of the United Provinces, that we were fighting for their liberties; but they did not believe us. We drew the Dutch into a war, which they had no inclination to undertake. So early as the beginning of the year 1793, I stated it as my opinion, that the Dutch would not demand our assistance. I was answered, that they durst not demand it, but that this was no reason for our withholding it, and that, if it was offered, they would not refuse it. I replied, that I believed the case to be exactly the reverse, and that if we offered our assistance, although the Dutch did not desire it, yet they durst not refuse it. I also find, at an early period of the war, the people of Friezeland putting up their prayers to Almighty God, to deliver them from this war, into which they had been plunged by their allies. All that has happened since has confirmed my opinion. While we were fighting in the Austrian Netherlands, the Dutch gave us but feeble and reluctant aid. When we were driven out of the Austrian Netherlands, and the United Provinces were to be defended, the Dutch, instead of rising in a mass to defend them, joined in welcoming the French. We ought to have known beforehand, that the people of the United Provinces wished not to be defended by us, and therefore were not to be confided in as allies. We ought to have adopted one of two courses; we should either have withdrawn our mischievous and oppressive protection, and said to the Dutch, "Defend yourselves;" or we should have taken possession of the country with an army, and defended it like a conquered province.

When I look to the naval part of the campaign, I find, that the captures made by the enemy are greater than they ever were known to be in any former war; but I do not find that our trade has increased in the same proportion. By documents, which I conceive to be tolerably correct, it appears, that in the second year after France joined in the American war, the number of ships captured by France, Spain, and America, was 499. How many of these were taken by Spain, I do not know; but it is probable that nearly one-half of them were taken by the Americans. In the second year of this war,

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when we have France alone to contend with, the number of ships belonging to Great Britain which have been captured by France, amounts to 860. Until I hear this extraordinary difference, under circumstances so much less unfavourable than those of the period to which I have alluded, accounted for, I must conclude that there has been a great defect in the naval administration of this country; either that we have not had a sufficient naval force, or that ministers have not well applied it. His majesty's speech from the throne, in January 1794, laid the ground of most forcible arguments for inquiry. That speech, in recapitulating the advantages obtained by the arms of the allied powers, as the pledge and earnest of still greater advantages, almost expressly assured us of the empire of the sea. Oh, the little foresight of presumptuous man! Oh, the fallacy of human hope! Every pledge of success, every topic of consolation, held out to us in that speech, is now converted into a circumstance of defeat, into an argument for despair! "The United Provinces," we were told, "have been protected from invasion; the Austrian Netherlands have been recovered and maintained, places of considerable importance have been acquired on the frontiers of France; an important and decisive blow has been given to their naval power; at sea our superiority has been undisputed, and our commerce so effectually protected, that the losses sustained have been inconsiderable, in proportion to its extent, and to the captures made on the contracted trade of the enemy." Yet in the course of a year, ushered in with so much promise, our superiority at sea has been disputed; after a second more important and decisive blow given to the enemy's naval power, they have been masters of the sea for two months, and 860 of our ships have been taken! Every hope and expectation held out by that speech is now completely gone. We have lost the fortresses on the French frontier. We have lost the Austrian Netherlands. We have lost Holland; and the trade of England has been greatly injured. It is not the change of one man; it is not the change of the first lord of the admiralty, that will afford satisfaction for the injury sustained by our commerce. I observe, likewise, that since the commencement of the war, the re-captures do not bear a greater proportion to the ships taken than they did in the American war, when Great Britain had so many different nations against her. Are these, or are they not, good grounds for inquiry? For what purpose do gentlemen think they were sent to this House? Do they believe they were sent here for the sole purpose of voting taxes, as was too often the case with the parliaments of the ancient kings of this country? Or as a national council to see that the executive government is not only incorrupt, but judicious? It might have been supposed, that after the memorable first of June, we should be masters of the sea; but we have no reason to boast of the manner in which we have improved that victory. Our fleet came into port in November, and the French fleet put to sea; no doubt because ours was returned. So little foresight or exertion was displayed in preparing our fleet for sea again, that it could not go out till late in January? and thus for two months the French were masters of the sea, and our fleets of merchantmen, and even troops embarked for important foreign services, were blocked up in our ports. I shall, perhaps, be told, that our fleet cannot be always out. I say, that under proper management, a great part of it always might be out. But will any man contend that it might not have been ready in less than two months, during great part of which time it was known that the French fleet was out? There was even a rumour, that after the ships were ready for sea, they were detained for want of biscuit and other provisions, which it became necessary to send by land carriage. How true these reports may be I know not; but they have been generally circulated and believed, which is a sufficient reason why the House should inquire. Every one of the circumstances I have mentioned calls aloud for inquiry, unless the members of this House are prepare to say, that the present situation of the country is so happy and so prosperous as to be *prima facie* evidence of the diligence and ability of his majesty's ministers; that they have steered us so steadily, and piloted us so wisely, that we ought to repose implicit confidence in them without inquiry. Can ministers themselves state any ground why this House ought to repose in them any confidence whatever, much less such extraordinary confidence as this? Will they say that their administration of the war has been successful, or that the state of the country is prosperous? I am not, I hope, a man to give to success more credit than is due to it. I hope

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I can reverence unsuccessful wisdom; my own experience has not been such as to lead me to think that success should be considered as the criterion of wisdom. Let the minister say that the hand of God is upon us, when human prudence can avail us nothing; but let him not say that Great Britain is declining in every quarter; that all her exertions and the most lavish profusion of treasure and of blood avail her nothing; and yet deny the propriety of an inquiry by the House of Commons, to discover, if possible, the source of so melancholy a reverse of fortune. In such a case it is the duty of every member of this House, of the friends of ministers themselves, to give up their private confidence, and promote inquiry. Then, if they find that ministers have been pursuing an impracticable object, or endeavouring to obtain it by inadequate means, they will know how to apply the remedy. If they find that ministers have been conducting the affairs of the state with ability and wisdom, they will be able to say with satisfaction to themselves and their constituents, "We will continue our confidence in these ministers."

Sir, exhausted as I feel myself, and long as I have already trespassed on the patience of the House, I must pass over in silence many points which are nearly connected with the general statement, and which would call powerfully on this House to enter into an inquiry on the state of the nation. But although I conceive I have already stated sufficient grounds for going into such an inquiry on all the questions more immediately connected with the war, there is yet one subject so closely connected with the prosecution of it in one point of view, that before I sit down I must beg leave to make a few observations upon it—I mean the present situation of the sister kingdom. The House will do me the honour to recollect, that, much against the inclination of my most intimate friends, I formerly harassed this House with a variety of questions, which they were unwilling to debate. I persevered obstinately, however, not because I had any satisfaction in doing so, when the House was not disposed to listen to me, but because I thought that at the outset of the war, it was my bounden duty to lay before this House those circumstances which, as appeared to me, ought to have discouraged us from entering upon it. I felt no pleasure in addressing these arguments to unwilling ears, for I am not desirous of imitating the example of Cardanus, an author now but little read, who says, "Nunquam libentius loquor quam cum quod loquor auditoribus displicet." I persevered because I thought it my duty to persevere; and, among other things, I stated, as discouragements for going on with the war, that the Austrian Netherlands could not be retained, while the subjects of his imperial majesty were disaffected to his government; that Holland could not be defended while the Dutch did not wish to defend it; and that the king of Prussia had proved by his conduct in the first campaign, that Great Britain and her allies ought not to depend upon him. I was then told that my speech was a libel upon all our actual and all our possible allies. But, Sir, if it was a libel, experience has proved, that it had in it that which has been held the strongest ingredient of libel, truth; and as such, I hope that speech will go down to posterity a convicted libel. I then also touched upon some dangers which I apprehended with respect to Ireland. I was told, "touch not upon Ireland, that is a subject too delicate for discussion in this House. This House," it was said, "has nothing to do with Ireland, Ireland has a parliament of her own, and will take care of herself." To that I then answered, as I do now; that when a British House of Commons is advising the king upon a matter of so much importance as peace or war, they ought to extend their consideration to all the material parts of the empire; and surely it is unnecessary to state that Ireland is a most important part of his majesty's dominions, as furnishing great resources of men for the army and the navy in time of war. Without the assistance of Ireland, we can never be secure in peace, nor successful in war. The identity of her constitution, and her being under the same executive government, make Ireland a constant object of attention, from which we may derive information with regard to the disposition of the king's ministers, to which we may look for examples to be imitated, or errors to be avoided. I saw formerly certain prejudices in that country which would throw much difficulty in the way of the Roman catholics getting all they asked, and all that justice required they should have, as subjects of the same constitution, viz. equality of rights with every other sub-

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ject. There had sprung up in that country a strange jargon of what is called a protestant ascendancy, as if such a thing as a religious ascendancy ought to take place in politics. Ministers some time ago, got over the difficulty in part, and, although not in a way calculated to gain much respect, conciliated the affections of the catholics for the time. This, however, was not the only subject of complaint. There were other abuses in Ireland of which the people bitterly complained; and when the coalition took place in July last, however much I might lament that event, I certainly did think it might produce this good effect, that the corrupt administration of Ireland would be radically reformed, and that possibly as much might be gained to liberty there as seemed to be lost to it here. And this was in fact near being the case, when unhappily things took a different turn.

Without entering into the question, who is to blame? I ask whether Ireland is not at present in a state of irritation? whether she is not in a state of danger? And if she is in such a situation as to give just cause of alarm to every friend of the country, whether this state has not been occasioned solely by his majesty's ministers? Some may say, it is owing to the ministers here; others, to the ministers there; but I defy any man to say, that the present state of that country is not entirely owing to the improper conduct of the king's ministers. No matter whether to the right hon. gentleman, the Duke of Portland, or earl Fitzwilliam; although I have no doubt as to which of them it is not owing. Earl Fitzwilliam is sent over as lord lieutenant to Ireland, justly popular from his personal character, and more so from his connexion with a part of the ministry here, supposed to be favourable to the wishes and claims of Ireland. He arrives: he consults with men to whom the people of Ireland have been long accustomed to look up with confidence;—he is adored,—he is idolized to such a degree, that the people of Ireland join with him in the absurd cry of war—nothing but earl Fitzwilliam's popularity could have induced them to join in that cry—he states from the throne the general wishes of his majesty for carrying on the war; that it is intended to give emancipation to the catholics. [Mr. Pitt intimated across the table that it was not so.] It was so understood, or, if you please, it was so misunderstood in the Irish parliament. They are told that abuses are to be reformed; they see the most respected men in the country daily rising up in the House of Commons to propose the reform of abuses; they see those measures attended with fewer dismissals from office undoubtedly than the people could have wished, but with the dismissal of several persons known to be connected with the old abuses. They consider all this as the omen of approaching liberty; and that the people of Ireland, without distinction, are about to enjoy those rights and privileges which they ought always to have enjoyed. All this passes in the face of the world, without the least opposition on the part of the cabinet of Great Britain. What follows? Great supplies are called for by his majesty; and the Irish, in high expectation of the promised reform of abuses, with a degree of imprudence, not adhering to the sober and cautious principle that reform and supply should go hand in hand (for it is the character of that nation to be more generous than prudent), granted the supplies before the promise was fulfilled. Having given all, the cup is dashed from their lips, their eager and excited hopes are blasted, and they are told, "We have got your money: you may now seek for your reform where you can." The ministers here then quarrel with this popular lord-lieutenant, whose personal character did more for the coalition than the characters of all the other ministers united, for it made the administration popular, because, from his accession it was supposed to be pure. They give up, however, this popular friend rather than Ireland should receive from this country the benefits to which she is in common justice intitled, and in the hopes of which she had voted for the service of his majesty such large and liberal supplies.

Sir, I may be told, that this lord-lieutenant gave hopes and promises which he was not authorised to give. To that I answer, that from my knowledge of him, I do not believe it, But suppose it were so, what is that to this House? Is it not a matter of total indifference to us where the blame lies? Is not Ireland in danger? No man will deny it; and that is sufficient for my purpose. The blame attaches either on the ministers in Ireland, or on the ministers here; and if this House does not institute an inquiry, and explain clearly and satisfactorily to the public

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who has been the cause of this alarming danger we may be responsible for the dismemberment of the British empire. It may be supposed that this is one of those questions on which I have strong personal partialities. I admit it. I believe I shall never be able to divest myself of them; and I am perfectly convinced that earl Fitzwilliam's conduct in this particular instance has been agreeable to the uniform tenour of his whole life. I firmly believe that he has acted fairly and honourably, and agreeably to what was understood between him and his colleagues in the British cabinet: this conviction is matter of great private satisfaction to me; but it is no reason why the House should not go into the inquiry.

The Roman catholics amount to three-fourths of the population of Ireland. But the catholics are no longer a party. The parties now to be dreaded in Ireland are, on the one hand, a few people holding places of great emolument, and supporting corruption and abuses; and on the other, the Irish nation. The protestants are as much interested in this great business of reform as the catholics. I no longer apprehend any danger to Ireland from disputes between the catholics and the protestants; what I apprehend is, the alienation of the whole Irish people from the English government. Many gentlemen who have not taken pains to examine into the subject, imagine that the government of Ireland, because consisting of King, Lords, and Commons, nearly resembles that of Great Britain. This, however, is by no means the case. I dare say also, that some gentlemen know so little of what has passed in Ireland since the year 1793, as to imagine that the Roman catholics are now nearly on the same footing with the protestants; and that, since the above period, they have suffered no persecutions or exclusions. If there is any man who thus thinks, he grossly deceives himself. But passing over these circumstances, is it not self-evident, that the danger arising from the present state of Ireland, has been created by some of the king's ministers? Let the House go into an inquiry, and they will see on whom punishment ought to fall. If the ministers in Ireland are guilty, let them be punished: or, if his majesty's ministers here (which is much more probable) have been the cause of this irritation, let punishment fall upon them. If earl Fitzwilliam, rashly and wantonly running after popularity, has sacrificed the real interests of that country, he deserves the severest censure. But if it shall appear, that he has been trifled with, and shuffled out of his measures and situation by ministers here, in order to serve their own base purposes; if it shall appear that he has acted on the principles of prudence and patriotism, and that his government was founded on principles which tended to preserve the connexion between the two countries, what punishment can be too severe for those who have been the authors of such double-dealing?

I am aware that it is a common argument against such motions as this to say, "Your final object is the removal of ministers; why, then, do you not do so at once?" My answer is, because I think we ought first to have an inquiry. At the same time I candidly admit my opinion to be, that if an inquiry be gone into, the result must be the removal of his majesty's present ministers. On what rational ground should this induce any member to oppose inquiry? Does any man who approves of continuing the war, hope for better success than we have hitherto experienced, while it is conducted with the same weakness and folly? Does any man who wishes for an end to the war, hope that his majesty's present ministers can obtain for this country a safe and honourable peace? If, after an inquiry into their past conduct, it shall turn out that they have acted justly and wisely, then let us continue our confidence in them: but if the contrary should appear, as I strongly suspect it will, then it will become the duty of this House to call them to an account, perhaps to punishment. This inquiry, among other advantages attending it, will discover to the nation the true causes of all our late failures and calamities. Wise men choose a wise object, and persist in their efforts to obtain it by varying the means as occasion requires, the object being still the same. The conduct of the present administration has been quite the reverse with regard to the war. Day after day, and motion after motion has varied the object, but they uniformly insist on the same means. Blood, war, and treasure are their means, however they may vary their object. They have constantly avoided making a choice between the two branches of the alternative I have stated. They have never decided who-

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ther they were making war for France or against France.

The present state of Ireland shows, that there is no part of the British empire in which the strongest traces of the minister's misconduct are not to be found. There are some occasions, one would imagine, upon which ministers must wish to be clearly understood. But men never get the better of their nature; and whenever the right hon. gentleman expresses himself, he is differently understood by every man who hears him. It is not from any want of words, or choice of expression, that the right hon. gentleman does not speak intelligibly. He is misunderstood by the House; he is misunderstood by his own particular friends. He employs the gift of words not like other men, for the sake of being more distinct, but for the purpose of being misunderstood: even his new associates in the cabinet cannot understand him. Of him it may be said, as of a great man of ancient times, "In rebus politicis, nihil simplex, nihil apertum, nihil honestum." If the House should agree to go into the inquiry, they will prove that they are really affected by the interests of their constituents. If they should resolve to go on without knowing who are our allies, or whether we have any, there will be too much reason for saying that our constitution is gone. In either case I shall derive, from having made the motion, the satisfaction of showing, that there are men in the House who are anxious to do every thing in their power to avert the consequences so much to be apprehended. — Mr. Fox concluded with moving, "That this House will resolve itself into a Committee of the whole House to consider of the State of the Nation."

Mr. *Pitt* rose to oppose the motion. It was, he said, with much reluctance that he felt himself bound to say any thing upon the subject. Independent of the delicacy of discussing in the English House of Commons points so intimately connected with the internal state of Ireland, it could not but be obvious, that he must feel extremely cautious in making declarations upon this subject. He did not deny that there was much reason to regret some occurrences which had happened in Ireland; but he would unequivocally assert, that if this affair should be fully investigated, it would appear that none of the embarrassments which might have happened in that country, could in any degree be attributed to his majesty's servants here. He would not then enter into the question, whether any blame attached to the respectable person at the head of the government. He had only thought it necessary to make an assertion in justice to himself and his colleagues, which he would defy any one to disprove. He would ask the right hon. gentleman, what good to either kingdom could possibly arise from a discussion of the subject at the present moment?—The right hon. gentleman had used the state of Ireland as he did almost every other occurrence—he had converted it into an argument to induce the House to change the opinions they had repeatedly and solemnly given upon the subject of the war, and to prove the necessity of an immediate peace. Here again his own statement made against the object he had in view: for if it was true that those embarrassments and that irritation existed in Ireland; if the probable consequence of that state of affairs was as had been stated, that we should not receive that cordial co-operation from Ireland; was it likely that these circumstances would have the effect of procuring us a better peace? With respect to the observations which had been made relative to the body of Roman Catholics in Ireland, he was sure the House must feel that so great a legislative act could not then with propriety be discussed in the English House of Commons. What was it but saying to them that the bare circumstance of calling those claims in question, that the delay interposed in granting them to their utmost extent, and the policy of not being in too great haste to heap upon them new privileges in addition to those which they had so lately acquired, were to them matters of intolerable grievance? What was it but to countenance discontent under the pretext of lamenting it, and to produce danger by the very means which were recommended as useful for precaution? What was it but proclaiming to our enemies the embarrassment and difficulties under which we laboured at home?—a sort of conduct by no means calculated to diminish their hopes of success, or infuse into them new dispositions to peace. If the House, from the progress of the French arms in Brabant and Holland, and from the views which they discovered of enlarging their territories, in proportion to the extent of their conquests,

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had been only more deeply impressed with the necessity of manly perseverance in the contest would they be likely to adopt a motion, which in the result could only be productive of humiliation and disappointment? Considered in this point of view, he could not well imagine a conduct less consistent with sound policy, than that which was proposed by the present motion.

Having dismissed that part of the right hon. gentleman's argument which appeared to him the most important, he should follow him cursorily through the other general divisions of it. Without meaning to say any thing personally uncivil to the right hon. gentleman he could not for a moment suppose him serious in any of the arguments which composed the former part of his speech. He hardly knew how to suppose the right hon. gentleman could be in earnest, when he occupied upwards of three hours in delivering a speech masterly and eloquent beyond parallel, for the purpose of introducing a peroration which lasted not more than a quarter of an hour, applied to the particular circumstances of the time. He had no complaint to make of the general nature of the subjects selected by the right hon. gentleman as fit subjects for inquiry; they were such certainly as must always claim the attention of the House of Commons: they consisted first, of the general resources of this country in point of men and money, as the only effectual means of war—a detailed examination into the state of the population of this country—a view of the situation of our manufactures and commerce—a consideration of our foreign connexions, both as relating to our allies and to neutral nations—and an investigation into the object of the war, and the means adopted by the executive government for carrying it on. If the House was at this moment convinced of the necessity of going into an inquiry upon the state of the nation, most undoubtedly these would all form important points of consideration. He begged to ask the House, however, if there was any one subject of whatever nature that had any the most distant relation either to the external policy or the internal regulations of this country, which might not become matter of discussion in the committee proposed by the right hon. gentleman? And if so, could it be contended that this was the time for such an inquiry? At a period so arduous and important as the present when the country was stated to be in such imminent danger, could gentlemen think it expedient to commence an investigation of so extensive, and almost endless a nature, and more especially at so advanced a period of the session, when there was no probability of making any considerable progress in it? Although not only every topic of the right hon. gentleman's speech had been before debated, but almost every one of his arguments had been before advanced and refuted, yet he contended that it was necessary to refer all these points to the consideration of a committee, for the purpose of forming a correct judgment upon them. The discussions which had taken place upon these various subjects had rendered the appointment of a committee as unnecessary, as it was improper. They were called upon to examine into the pecuniary resources of this country. The House had already this session, much more satisfactory proof upon this head than any committee could give them. They had seen a supply voted for the service of the year, unexampled in point of amount. They had seen a loan of 18 millions negociated upon terms extremely advantageous to the public. They had seen taxes to an immense amount laid on the public. Could the House, then, after this unanswerable proof of the resources of the country, be led, by the speculative arguments of the right hon. gentleman, to have recourse to a committee for the purpose of ascertaining the fact?

The next point the right hon. gentleman had discussed was, the population of this kingdom. He had contended, that it was in such a decreasing state as to render it impossible for us to recruit our armies. This was a point upon which he had never before heard a doubt entertained. He was sure that no information which could be given by government upon this subject had ever been refused. That in the course of a war, so novel in its nature, and so unexampled in its probable consequences as the present, we must lose a considerable number of men, was a melancholy truth which could not be denied. The loss even of one man from our troops was an event deeply to be deplored yet when the immense stake we had upon the issue of this contest was considered, it was necessary to look with a firm determination to the discharge of that imperious duty which required such sacrifices, for the good of the community. But did the

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right hon. gentleman consider the other side of this picture? Had he stated the numbers lost by the enemy, which upon a moderate computation must be in the proportion of ten to one compared with ours? No: the argument had been pressed with vehemence, as proving the distress of this country, but would probably be said to be totally inapplicable to the enemy. With respect to the population of this country, it had once before formed a subject of debate, and the right hon. gentleman upon that occasion, as well as upon the present, had argued upon false premises: he had formed his calculations upon decrease of the population, from an examination of the returns of houses paying taxes; that was a fallacious mode of judging, as the accounts were in general inaccurately taken. He would suggest to the right hon. gentleman, a criterion by no means so liable to inaccuracy. When gentlemen saw the immense increase of manufactures, and of hands employed in them, and did not find that those hands were drawn from any other branch, the rational conclusion was, that the population must be on the increase. The right hon. gentleman said, that in some part of Lancashire the decrease of marriages and births was very great—in some places they had decreased one half, in others a third and a fourth—when, by his own calculation he had only estimated the decrease at 12,000 persons. But it should be recollected that the quarter in which the calculation had been made, was in the neighbourhood of a manufacturing town where the recruiting had been carried on with the greatest effect. The army of this country was greater now than at any former period: the navy had also been augmented to an amazing extent. This must necessarily tend, in some places to lessen the population, but did not prove that the decrease was general. And notwithstanding this great augmentation of the army and navy, so far from manufactures having decreased the exports had been greater last year than in any former year of war, and greater with the exception only of two years, than any former year of peace. The right hon. gentleman had alluded to the decline of our trade in the year 1793. It was certainly true that our trade had been considerably less that year, but it was owing to the great speculations of persons engaged in commerce, which in the year before had given a temporary stagnation to trade: and yet so far from the country sinking under that check, or giving way to the pressure of a war represented to be so fatal to our trade, in the very next year, viz 1794, the commerce had arisen to a height never before known, except only in the years 1791 and 1792. Formerly, it was customary to look to the years immediately preceding the American war, as the most flourishing period of our commerce, and after the commencement of that war, it was supposed that many, many years of peace would be necessary to raise it again to the same pitch—and yet now in a time of war, and one stated to be so much more injurious to our trade than the American war, our commerce far exceeded that of the boasted years of 1770, 1771, &c. Were not all these facts which the House were in possession of, more satisfactory than the report of any committee? If any inquiry upon this subject had been necessary, it should have been before the ways and means of the year were stated; before the resources of the country were detailed and proved to the House; but now it was wholly unnecessary.

The next proposition of the right hon. gentleman was one of a most singular nature. It was calling upon the House to go into a committee of inquiry, to take into consideration all transactions whatever between Great Britain and her allies, and also between her and neutral nations. Whatever might be the situation of this country with respect to those powers, whatever negociations or treaties might be pending, the whole was to undergo the scrutiny of a committee of inquiry, and be published to the world. With respect to the king of Prussia, Mr. Pitt said, he had never contended that all the objects we had in view in that treaty were obtained, or that that monarch had fully performed his engagements. But the failure on his part was no reason why this country was never again to enter into a treaty with other powers of a similar nature. The right hon. gentleman then alluded to the Emperor, and spoke in very strong terms of his inability, from the want of pecuniary resources, to carry on the war. Admitting the truth of that argument, it did not go far enough to serve the right hon. gentleman's purpose. If that House still retained the opinions they had so often expressed upon the subject of the present war, the natural conclusion to be drawn from the Emperor's pecuniary inability

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was, that Great Britain possessed of resources of money should by means of those resources enable the Emperor to bring his troops into the field. In speaking of our allies, the right hon. gentleman had pressed much upon the repeated defeats which they had sustained. It was but too true, that the success had not corresponded with the expectations we had formed; but it was a very unfair mode of reasoning to suppose that because the allies had not been positively successful they were totally useless; for though the effect of their assistance was not displayed in victories and conquests, yet, by engaging the attention of the enemy to various quarters, they had tended to divide a force which, if concentrated might have been infinitely more destructive. The next power to which the right hon. gentleman had turned his attention, was the king of Sardinia; and he had contended that that monarch ought to have been left in a state of neutrality. But he begged to remind the House, that that monarch was left without an option as the French declared war against him. In regard to his being put into a state of neutrality at present the only means of doing it was to carry on the war with vigour, otherwise his neutrality would neither be safe to himself nor to the allies. The next point of the right hon. gentleman's speech, was his observations upon the declarations made by our ministers at foreign courts. Was it fair to quote particular expressions from their state papers, in order to charge them upon ministers? These papers were framed according to the exigency of circumstances and at the discretion of the envoy; ministers at home had no share either in composing or in reviewing their contents; and, if they should afterwards discover in them a careless or hasty expression it was not to be supposed that they would very severely criticise or, very rigorously expose, a fault which they might be apt to impute to excess of zeal for his majesty's service. He begged, therefore, once for all, to put in a protest against that mode which gentlemen opposite had so frequently used, namely, that of selecting a particular passage from some of these state papers, and then charging it upon the ministers at home. Upon examining these declarations fairly and altogether, they would be found to agree in sentiment with each other, and with the language of ministers at home. As to the proposal for an inquiry into the conduct of the executive government to neutral nations, he was not aware of any good that could possibly arise from it. Whatever might be the strong language in which gentlemen might have thought proper to indulge themselves with respect to the conduct of the British government towards foreign nations, it would be found when the proper period should arrive for investigation to have been strictly conformable to the best principles of the law of nations, and to have been conspicuously marked by moderation and forbearance. The right hon. gentleman had charged ministers with having in the first instance treated America with insult, and afterwards soothed her by submission. In answer to this, he could only say, that the principle which had governed ministers in their intercourse with other neutral powers, was the principle upon which they acted towards America. And when the treaty with that country should be before the House gentlemen would have an opportunity of judging whether there had been any dishonourable submission on the part of the latter, and whether it had not been rather dictated on both sides by a spirit of fairness and mutual accommodation.

The right hon. gentleman had next come to the consideration of that often disputed point, namely, the object of the war. He had stated, that there were two lines of conduct which ministers might have adopted in the commencement of the war; each of these modes being attended with its respective advantages and disadvantages; but both of them preferable to the line of conduct adopted by ministers. The first was, by carrying on what he called a war against France, by confining the exertions of this country simply to protect our allies, and to revenge the insults offered to us, without in any manner interfering in the internal commotions which might prevail in France. The other mode was that of carrying on a war for France; thus openly to avow that our efforts were directed to the formation of a regular government in France, aad that our conquests were only made in trust for Louis 17th. Thus, the right hon. gentleman had that night abandoned all his old arguments; for he formerly used to contend, that we could not interfere in the internal affairs of France, without violating every principle of justice and of the law of nations; but now he admits,

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that it would have been proper to have carried on the war, expressly for the restoration of monarchy in France. With all possible respect for the right hon. gentleman's judgment, he thought ministers had conducted the war upon principles more consonant to sound sense and policy, than either of the systems stated by that gentleman. They had entered into a war for the defence of this country and for the protection of our allies, in the prosecution of which they did not by any specific declarations as to the internal situation of France, prevent themselves from taking every possible advantage of any favourable occurrences which might happen in France. Nor did they state that the restoration of monarchy, or any particular form of government in France, was a *sine quâ non* without which they would not make peace. The madness of fighting to establish in France any particular form of government, had been uniformly disclaimed by ministers. At the same time this was no reason why they should relinquish assistance of which they had a right to avail themselves in every former war. The first great object was to obtain for ourselves security, and it would have been so much the better if that object could have been more effectually accomplished by the establishment of a government in France, which seemed most likely to restore the country to tranquillity and happiness. It was necessary for the defence of our own possessions, that we should carry on an offensive war against the French in the West-Indies—This was the conduct of his majesty's ministers—this was the conduct which had frequently been explained to, and had as often received the approbation of the House; and he begged here, in the most distinct manner, to disavow the proposition laid down by the right hon. gentleman, that a nation, on entering into a war, was bound to state in clear and positive terms all its objects in the war, and by that means preclude itself from taking advantage of any fortuitous circumstances which might happen during its continuance.

Upon the whole, the question for the consideration of the House was, whether or not they were to retract all the opinions which they had so often and so solemnly pronounced, and whether they would employ concession and submission as the most likely means of obtaining an honourable, a secure, and a lasting peace. The right hon. gentleman had sedulously endeavoured to confound every question of danger to be apprehended from the success of the French, and the idea of a regular government, with a government founded on principles inimical to freedom, and with the same anxiety had endeavoured to palliate all the excesses of the French, by stating them to have originated in an enthusiasm in the cause of freedom. Entertaining such sentiments as these, and having been from the first adverse to the origin and conduct of the war, it was natural for that right hon. gentleman to forget all our advantages, while he remembered, and often exaggerated, our misfortunes. It was natural for him to lessen the value of our conquests, and to depreciate the splendor of our victories; to represent our success as useless, but our defeat as fatal. Openly professing such sentiments, the House would not be surprised at such consequences. Those who had studiously dwelt on every misfortune of the British arms, and on every circumstance of temporary difficulty, but had, with equal care, avoided to mention any instance of the success of our armies, or the prosperity of the country, might be disposed to approve of the motion, and of the removal of ministers from a situation which it was calculated to represent them as unqualified to hold. While those, who looked to an honourable and lasting peace from a vigorous and effectual war, rather than from dishonourable submission—those who did not impute a temporary interruption of success to want of judgment or to guilt—would not, he was sure, withdraw their confidence from his majesty's ministers, without proof of their want of capacity. Or if they did, it would not be to make room for those who had disapproved of the war from its commencement, and who, instead of meeting the crisis, would be disposed to shrink from it, but for persons better qualified to prosecute with vigour and effect, a war founded in justice, and connected with the best interests of the country.—Mr. Pitt concluded with moving, "That the House do now adjourn."

Mr. *Sheridan* said, that the arguments of Mr. Pitt went the full length of contending, that no calamities which might befall the country, that no neglect or misconduct of ministers, would justify a call upon the House, to inquire into the actual state of the nation. He had with great ingenuity, passed by all the strong arguments which had been so forcibly urged to in-

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duce the House to agree to the motion; and had misrepresented those which he had noticed. The question was, whether so great a portion of calamity had not been suffered by the country during the progress of this unhappy war, as to show that blame must attach somewhere; and whether it was not becoming the dignity of the House to inquire where that blame lay? The right hon. gentleman, however, had stated, that the motion was brought forward for the purpose of reversing the determination of the House; and that it was too late, because the effect of it would be to make the House retract all the declarations they had made from the beginning of the session. This was a gross misrepresentation; for the question of war and peace had been carefully kept out of sight during the whole of the speech of his right hon. friend. The House, indeed, had been called upon to inquire whether they chose to pursue the same object by the same means, and whether they would leave the execution of their designs in the same hands in which they had so long been vested. At the conclusion of his speech, the chancellor of the exchequer had allowed that misconduct of ministers was a proper object of inquiry, and that if they should be proved to have misconducted themselves, a motion ought to be made for their removal; at the same time insinuating that their successors should not be persons who would disgrace the country by their conduct. It was no difficult matter to find men who would not disgrace the country so much as the present administration, even he believed, in the ranks of opposition. The removal of ministers undoubtedly was the tendency of the motion: not in the precipitate manner proposed by the minister, but after a deliberate inquiry into their conduct. The right hon. gentleman had contended, that this discussion ought to have been brought forward previous to the vote of supply. But if this had been done, would he not have said, that it could only have proceeded from a factious spirit to agitate a question of such a nature, while the enemy was at the door, and the House had not granted those aids which could alone enable the country to resist the dangers which threatened it? That inquiry was necessary, he was fully persuaded. He did not believe there were ten persons, either in or out of the House, who did not think that the war had been scandalously misconducted. The imagination of man could not conceive another country were ministers could retain their situation after a scene of calamities and a continuance of misconduct, unexampled in history. What answer could possibly be given by gentlemen to their constituents, when asked, why, after the heavy burthens which had been laid on the people, the House had not thought proper to institute an inquiry into the conduct of government? It might certainly happen, that the events which had taken place, were such as human wisdom could not prevent; he however believed that this would not be found to be the case; yet he saw no other answer that could be given by gentlemen to their constituents, if the committee were refused, than that they had not considered the matter. It would be better to suspend the functions of the House of Commons, if they neglected to exercise one of the chief duties of their situation, that of inquiry into the conduct of administration. Another part of his right hon. friend's speech had been treated in a very loose manner, as if it were too insignificant and trifling to deserve the smallest attention; he meant the conduct of our ambassadors to the neutral powers. The uniformity of their conduct in all the instances which had been mentioned by his right hon. friend, though it had not been openly avowed, that they had acted conformably to their instructions, yet tended to show it was a part of the system; and, indeed, the right hon. gentleman himself had in some measure allowed it to be a fair inference, when he attempted to prove, that it was not inconsistent with the law of nations. Their moderation to neutral nations had been extolled; but what was that moderation? They had undoubtedly acted with temper and decency towards the powerful neutral nations; but as to the small ones, such as Genoa and Tuscany, they had been bullied with the most outrageous insolence to join the union, which must have infallibly produced their ruin. It had been stated in the king's speech as matter of praise, that this country had kept a strict neutrality at the early periods of the contest with France. In what book of the law of nations could it be found, that when a country was forced into a war, as ministers asserted we had been, it became a crime for other nations to preserve a neutrality, which had been the boast of the country supposed to be forced into

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the war?—The chancellor of the exchequer had dwelt so long on the state of the sister kingdom, that any person who had not heard his right hon. friend, would have supposed, that an inquiry into the state of that country had been the sole object of the motion. Unfortunately, however, full three hours of his friend's speech had elapsed previously to his saying any thing on that part of the subject. It must also be remembered, that notice had been given of the motion at a period when the ill effects of the misconduct of ministers towards Ireland were not so well known; therefore, the whole of the declaration on that subject fell entirely to the ground. As a collateral foundation for inquiry, this subject was peculiarly proper; for when only this one circumstance remained to complete their climax of folly, that they should contrive to place the Irish in such a situation as to hazard, through their irritation, a separation of the empire, was a great aggravation of the rest of their misconduct. The minister had affected a great deal of delicacy about the independence of Ireland. Did he mean to contend that no degree of misconduct, with regard to that country, could authorize an inquiry in this? Whether, however, we considered the persons acting there as acting in no other light than as an ambassador, and that his own misconduct, or the instructions of the minister at home, had produced consequences which were likely to effect a rupture, he conceived that it was proper to consider whether the minister or the ambassador ought to be impeached. This was the second attempt which had been made during the present administration to deprive Ireland of some of its rights. In 1785, the Irish propositions were brought forward, which was an invidious attempt to deprive them of rights, under the pretence of giving them some commercial advantages, which were perfectly fallacious. Ireland, though she had suffered the greatest injustice from the government of this country for a very long period, yet when she began to receive a tardy and lingering justice, generously blotted out all remembrance of her injuries; therefore a peculiar nicety ought to be observed in our conduct towards her; notwithstanding which, there never was any transactions marked with stronger features of inhumanity and injustice, wherever the guilt lay, than the conduct observed towards her in the late affair.—It had been asked, with some triumph, if we were to give up indemnity and reparation? As to reparation, he conceived, that if we had succeeded, there would have been full reparation and ample punishment; for what more could be expected than the overthrow of our adversaries as a punishment to them and reparation to us? It was folly, in order to rouse the people of this country to exertion, to attempt to unite two objects not reconcileable. The mercenary system of indemnity, first begun by Great Britain, showing the hypocrisy of her former declarations of regard only to the order of society, and the interests of religion and morality, had given cause for distrust and want of cordiality among the allies. It was not surprising, after Great Britain had taken the West Indies and other valuable possessions for herself, that Germany and Prussia should take what they could for themselves. It was natural, though not honourable, unless princes had different rules of honour from other persons, for our allies to endeavour to get from us what they could, as a compensation for what we were taking for ourselves.—With respect to population, the chancellor of the exchequer had said, that 12,000 was a small proportion; but he chose to forget, that this was only in one parish. The waste of men, in fact, was incalculable; the returns of losses were fallacious, as containing only a partial account of those who perished. The great proportion of boys and old men enlisted, showed that we were nearly exhausted. As to our commerce, accidental circumstances had given a very unnatural increase to it; for every capture with exported goods on board, necessarily caused a farther exportation to supply the deficiency. As to the resources of the country, he had never been so sanguine as his right hon. friend; there was one resource, however, which would be highly grateful to the country. He did not disapprove of the taxes brought forward this year, upon the whole; considering the state of the country, perhaps less exceptionable could scarcely be found. The resource he wished to have recourse to, viz. a tax on places and pensions, had excited indignation in the minds of the ministers as being low and vulgar.—He wished to know what were the views of administration as to the government of France. Did they speculate on the destruction of the republic and

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the restoration of monarchy? As for himself, he explicitly declared he neither looked for, nor wished any such thing; he considered the natural consequences of such an attempt to be a lingering perseverance in the war, which would shake the foundation on which the principles and security of our constitution were laid. If we hoped to excite civil discords in France, and depended on the supposed loyalists in that country, the consequences would be, a long, bloody, and lingering contest, an accumulation of debt, annihilation of commerce, and finally, destruction of the constitution. One of two alternatives would be the consequence in France, either a ferocious and sanguinary republic would be established, which would destroy order in Europe, or the old and inveterate enemy of England, the ancient despotism, would be restored; both of which would be equally fatal to us. If the principles of the present government in France was incompatible with order, the best way would be to leave them to themselves, as the most likely method of correcting their errors. The great misfortune of the country was, that the minister's pride stood in the way of the interests of the people; for he knew that he must acknowledge the republic, in order to make peace; he was, however, only delaying the hour of his shame. If the committee was granted, he had no doubt that every thing his right hon. friend had said, would appear to be true, and that the result would be a disposition to peace.

Mr. *Canning* said, that if the speech of the right hon. mover had left on his mind the impression that no such inquiry as that which he proposed was necessary, and that the present state of affairs in the sister kingdom was, in truth, the only reason why such an inquiry had been proposed, the speech of his hon. friend who had just sat down, had certainly had no other effect than to confirm that impression. It appeared to him most plain that the critical state of Ireland was the only thing that had produced the motion; as not one other topic had been introduced, upon which the House had not already, in the course of the session, come to a solemn and repeated decision. For this reason, he should not presume to trouble the House with any remarks upon the other topics, but, confining himself solely to that of Ireland, he should be contented to observe, that the situation of affairs there, so far from being a sufficient inducement to him to agree to a committee, would, even if the committee were on other grounds desirable, rather operate to dissuade him from going into it at the present moment. He did not mean to contend that the king's ministers were less responsible to this House for their conduct with regard to Ireland, than to any other part of the empire, or to deny, in the smallest degree, that the House had a clear right to examine into their conduct in that particular. But he must contend, that it was a right to be exercised, in the present instance, with much caution and delicacy, from the state in which the business now stood and also lest it should lead to discussions immediately interfering with the supremacy of the Irish parliament. He did not see how, at this moment, it would be possible to go into an examination of Irish affairs, without in some degree agitating the question of catholic emancipation, and that measure, in the stage in which it now stood, he conceived it was not our province to agitate; for whatever might be our opinion upon that subject—whether we should agree with that part of the Irish nation who thought that more could not safely be conceded to the Catholics than had been conceded by the last administration of that country, or whether we were prepared to say, in the language of an eminent character in that country, Mr. Grattan, "Let us embrace, and greatly emancipate;"—whatever might be our opinion, we could not declare that opinion at this time, without either lowering our own dignity, or trenching upon that of the parliament of Ireland. As a member of the British House of Commons, he was against discussing, as in a debating society what it was not in their power to decide; and as a friend to the independence of the legislature of Ireland, he could not consent to come to a decision in that House, which might have the appearance of anticipating the judgment and dictating the determination of the Irish parliament. His hon. friend had confessed, that he considered the motion in no other light than as a motion for the removal of ministers. In this view, he could not but think that it came forward at rather an unseasonable period. The removal of the existing ministers was intended, no doubt, to make room for others who would pursue an opposite line of conduct, and whose first object would consequently be a negociation for peace; and if,

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so, it would surely have been more rational to have attempted to effect it, before the House had sanctioned their past conduct by its approbation—before it had entrusted to their hands, by such large and liberal supplies, the means of continuing the war. But it seemed in no other country than this, could ministers have continued in office after such repeated failures and disgraces. The reason of this difference between this and other countries was obvious: in arbitrary governments, where the people were admitted into no share or knowledge of the plans of action, but were left to form their judgment of the propriety of any line of conduct solely from the event, it was very natural, that being thus circumscribed in the means of forming their opinion, they should form it hastily and arbitrarily, and, knowing no other criterion than success, should conclude that what had failed in the execution, must have been wrong in the plan, and as such ought to bring punishment upon its advisers. But in a free country, where the people have the springs and motives of action, as well as the action itself, brought before their eyes—where they go hand in hand with their representatives, and their representatives with the executive government, in weighing the propriety of measures, as they arise, and while they are pursuing, it is not natural or necessary that they should judge so hastily from the event alone, but that having the power of weighing all circumstances together, they should affix blame to failure, only where failure, might seem to have flowed from misconduct, and not from mischance.—Another, and indeed the only new temptation, which the hon. gentleman has held out to induce us to go into the committee, was, that there would be an opportunity of proposing, in that committee, a new resource for carrying on the war, by a tax in imitation of that said to have been lately laid in Spain of 25 per cent. on all places and pensions. The mention of this subject certainly never failed to have considerable success, because it carried with it an easy and obvious attack upon all gentlemen who held offices under government; and perhaps there might be a degree of ridicule attached to any thing like a serious answer on the subject. But when we are called upon to imitate Spain in this particular, it is somewhat surprising that gentlemen should not be aware that Spain has done no more than imitate us. A tax of the same nature exists in this country, already and to a larger amount than 6s. in the pound [a cry of No, no! from the opposition]. Mr. Canning stated that the land tax, and other taxes together made, he believed, about 5*s.* 6*d.* in the pound, but he would not quarrel with them about the odd sixpence. He would say only to a similar amount. And he would ask gentlemen, who seemed inclined to push the principle to a farther extent, whether they seriously thought by doing so to add weight to the popular and democratic part of the constitution? And if they did, he should have no hesitation in affirming that the tendency of it would be directly the reverse, that it would go to unpopularize the constitution in the most eminent degree; to throw all power into the hands of the rich; and to exclude from situations of trust and service in the country, all those, whose talents or whose virtues might want the aid of birth and fortune to introduce them. The wages of office, and the remunerations for past services bestowed on those who have served the state with credit, may indeed very easily be put in a ridiculous light; they may be liable to abuse or misapplication; but the principle from which they are derived, is nevertheless that which pervades and equalizes the classes of society, by enabling the state to avail itself of the talents of all its citizens; which opens as wide the doors of the senate-house and of the cabinet, to acquired eminence and plebeian worth, as to ancestral dignity and hereditary virtue.—The hon. gentleman had concluded his speech with an accusation against ministers of rather an extraordinary nature — that they have never stated what their wishes were as to the form of government that should be established in France: for which reason he supposes them to wish that the old despotism might be restored in all its horrors, and moreover, that a similar despotism might gradually grow up in this country. At the same time he had professed himself most eagerly to wish that a republican form of government might be established in France; defying any person to infer from thence, that he had the smallest desire to see republicanism prevailing in this country. With these wishes of his hon. friend, or any other that he might entertain, he apprehended nobody was disposed to meddle. He could not, however, but complain a little, that the candour which his hon. friend insisted on having used towards himself, he

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should not have thought it fair to extend to others. If it would be uncandid to conclude from his acknowledged preference for a republic, one, and indivisible, in France, that he would gladly transplant the same form of government to England, it seemed at least equally uncandid to infer from ministers acknowledging no preference at all (which was his accusation against them), that they therefore necessarily desire an aggravated despotism both abroad and at home. But whatever might be the opinions or wishes of individuals, or the inferences to be drawn from them, they appeared to him to lay no more ground than any other of the arguments which had been advanced for going into the committee. He should therefore vote for the adjournment.

Mr. *Wilberforce* wished merely to state the grounds upon which he intended to give his vote. From what the right hon. mover had said respecting Ireland in the conclusion of his speech, he was prevented from voting with him, because he differed from him on that subject. At the same time he must also state, that he differed from his right hon. friend, when he stated the situation of the country to be the same as it was on the first day of the session; for though peace was desirable at that time, it was much more so at present, and at the same time more attainable from the events that had since occurred. The civil war in France was at an end; the situation of the West Indies, the retreat from Holland, and, above all, the disposition of the present government of France, tended, in his opinion to facilitate negociation. These were topics which did not come properly before the House on that occasion; but the time, he trusted, would come, even this session, when they would be brought forward in the shape of a regular motion: if no other gentleman would undertake to bring forward such a motion, he should think it his duty to make it.

Mr. *Fox* made a reply to the following effect:—I feel it necessary to say a few words in answer to what I have heard this night, and chiefly from the right hon. gentleman who moved the adjournment. Gentlemen have partly misunderstood my meaning, if they conceive that I wish for a committee to inquire into the state of the nation on any one particular point; or that I wish particularly to agitate topics of war or peace, which have been already discussed in this House. I meant, by moving for the committee, to inquire into the conduct of the war in general, in order that we might see how ministers have acted. Gentlemen on the other side say, they do not wish to turn out ministers. They say, too, that they do not wish to inquire into the conduct of the war. That is natural enough; the meaning of it is obvious. They do not wish for an inquiry; that is, they know that an inquiry is likely to influence the opinion of this House upon the conduct of the ministers, and that, after being compelled to censure them, we shall, in justice to our own consistency, be obliged to vote for an address to the throne for their removal. I said that this country was in a situation which, on the face of things, called for inquiry, and therefore I moved for it; and I believe that the result would be, that this House could not, consistently with its own honour, refuse a vote of censure on ministers, and an address for their removal; and therefore it is not mysterious that some gentlemen should be unwilling to go into an inquiry. But are we, indeed to go hand in hand with the ministers, and not to inquire into their conduct, lest the result should be, that they must be removed? Are we indeed so very complaisant to ministers, that rather than they should lose their power, the country itself must be lost? The right hon. gentleman has insinuated, that if he and his associates were dismissed to-morrow, and others more able were appointed in their stead, neither his majesty nor the public, would look to those who support the present motion for their assistance. Now, Sir, upon that subject, I have no objection to say what I feel, and what, indeed, I partly expressed on a former occasion. If this war be to be carried on with more vigour than it has been, and by men of greater capacity than the present ministers, but on the same principles that have been hitherto avowed, and for the same object, all I can say is, that there is nothing that his majesty can offer to me, that should induce me to take any share in it. But is that a reason why this House should not inquire into the conduct of ministers, who have brought upon the country such calamities? Even those who were originally, and who may be still, against any negociation for peace, should vote for an inquiry into the conduct of the war, and follow it up, if necessary, with an address to his majesty,

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to appoint some persons more likely to conduct it with success. The right hon. gentleman has said, that he is not answerable for what may be done by a minister abroad upon some particular occasion—an expression that is unworthy of any man who calls himself a minister. The declaration of a minister abroad may create a war between two nations. Is it to be endured in this House, that the right hon. gentleman should say, "such a declaration was not mine, but the declaration of Mr. Drake, or of any other ambassador?"—The right hon. gentleman has told the House that ministers have acted towards neutral powers according to the spirit of the law of nations, and that it will appear evident when the subject comes to be inquired into; and yet, with the same breath, he tells the House he will not consent to inquire at all. Then he tells us, that this is a business which ought to have been inquired into before, and much stress is laid on the time in which I have made my motion. Why, Sir, we have not been negligent on this side of the House in bringing forward questions upon the war. But it is said, I have made my motion on account of the critical situation of Ireland. Now, Sir, I had formed a resolution of bringing this motion forward before the affairs of that country wore so serious an aspect as they do now, and before I had heard one word of what has lately happened there. One hon. gentleman has said, that he should vote for this inquiry, had I not expressed my intention of moving a resolution in the committee upon the subject of Ireland. If so, Sir, let him vote for the inquiry generally; and let him vote against the resolution with regard to Ireland when that comes to be proposed. With respect to Ireland, I conceive that what has happened has arisen out of the fault of ministers in this country. With respect to the conduct of the lord lieutenant, I have a strong opinion, that when this business is fully investigated, the result will be to the honour of that nobleman, and to the shame and confusion of the ministers in this country. That is my opinion; but this House has no business with the opinions of individuals. It is their duty to inquire into the fact. But it seems there is a great delicacy upon this subject. Now, Sir, I am of opinion there should be none, for what any minister does in his official situation is fair matter of inquiry in this House, whether it regards this country or Ireland. I have heard it said, that we should not interfere with the parliament of Ireland, and that my motion has that tendency. I mean no such thing. I only mean to inquire into the conduct of ministers. These subjects are debated in the cabinet, and perhaps sometimes particulars respecting acts of parliament in Ireland are debated in the cabinet; now I want to know, although I would not have this House interfere in the least degree, nor have we the power of interfering with the parliament of Ireland; but I want to know upon what principle it is that the cabinet should do more upon that topic than this House, or than the parliament of this country. I see no such principle; but I know, that with regard to any recommendation from the throne to the parliament of this or of that country, that is a matter for which ministers are liable to be called to account; for it is ministers who advise that recommendation. If it were not so, let me ask, what might the consequence be? Ministers may so conduct themselves that the situation of the two countries may be in imminent danger, and can that happen, and yet that we shall be told that we cannot interfere? Sir, I do assert that we have the power, and that we ought to exercise it, of calling for an inquiry; yes, Sir, and of proceeding to punish those who have been the cause of it. That such has been the conduct of ministers is undeniable. I have been told that I am putting Ireland in danger by what I have said to-night. But, Sir, who has put Ireland in danger most; I who have moved for an inquiry into the state of it; or those who, by their mischievous conduct, have made that inquiry necessary—I who respect both countries as much as any man in this House; or those who conduct themselves as if they regarded the interest of neither, when held in competition with their own power?—Sir, I say I have a right to call ministers to account for the danger in which they have involved the two countries. I wish to know whether it is to be laid down as a principle, that the general failure of the army, and the general mischief which the conduct of ministers has occasioned, are not to be considered as *prima facie* evidence of the necessity of inquiring into their misconduct. The right hon. gentleman says, that my conduct, if not counteracted, would tend to lower the

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dignity of this country. That a man, who has himself so lowered the dignity of this country, who has brought it to the verge of ruin by the obstinacy and the madness of his conduct, should presume even to think that any body else could lower it more than he has done, is, I own, rather extraordinary. I desire to know, and I ask the minister to inform me if he can, when it was that I endeavoured to lower the dignity of this country? He alluded to the present war: what has been his conduct, and what did I advise this House upon that subject? I would have offered reasonable terms to France before the war commenced, and for that purpose I proposed a negociation; he affected to disdain it. What has been the event? Will even he himself attempt to say that there is a chance of making so good a peace now, as we might have had then? Does he even hope he can ever negociate with the French in a situation less dishonourable to us than the present? I would have negociated with them before a fight. He must negociate after a fight, and after a defeat too, if he negociates at all. I would have negociated with them while we were rich in our resources and our commerce was entire. He must negociate when both are desperately impaired. I would have negociated before our allies were defeated, and while they were yet supposed to be in union. He must negociate after victory has been declared in favour of the enemy, and the allies have been deserting us and one another. After this, that such a man could possibly suppose he is supporting the dignity of this country, and that he should put himself on a footing with any gentleman, who has not the misfortune to be in the present administration, is an extraordinary thing, but it is an assumption of merit which is peculiar to his majesty's present ministers.—In the mean time, it is with heartfelt satisfaction I reflect, that in every thing I ever proposed, I have supported the dignity of this country. I regard it as a circumstance of good fortune to me, that I never gave an opinion by which one drop of British blood was shed, or any of its treasure squandered. It has been my fortune to oppose, perhaps unsuccessfully, that which brought this country into a disastrous situation: I mean the American war—a war disastrous indeed; but after all the calamity which it produced, we were happy then compared with the situation of this country now. Good God, sir, that there should be a moment when the American war should be a state of happiness when compared to it! and yet so any person will find it to be on examining them both. The calamities of the American war bear no resemblance to the present. Does the minister deny the fact? He has never yet said it; and I should be glad to hear him aver it now, for I am ready to answer him if he does. The right hon. gentleman has thought fit to insinuate that those with whom I act never mention the glory of the British arms. The fact is notoriously otherwise. There is not one instance in which we have withheld praise from any of our gallant heroes: on the contrary, we have been proud to praise them. The right hon. gentleman was not a member of this House in the time of the American war, but if he will take the trouble of inquiring, he may be easily informed of the part I took in praising the gallantry of the British troops. America, however, was lost. We are now in alarm lest we should lose Ireland; and I own to you, Sir, that I tremble for the fate of Great Britain. Is it then a thing to be endured, to hear a man accuse others of endeavouring to lower the dignity of the country, when we are doing all we can to save it, and are calling for an inquiry into the conduct of that very man who has brought us to the last stake, in which we are contending for our very existence? And shall it be still a question who is the best friend to the honour and interests of Great Britain? This inquiry may not take place, but I am glad the hon. gentleman has intimated his intention of again bringing the subject forward in some other shape. He can do it with great propriety. But I wish to be informed, if this committee be not granted, what I am to say to my constituents if they ask, Who are the allies of this country? What is our relative situation with the king of Prussia? what with the Emperor? What has been the conduct of administration with regard to the war? What is the situation of Ireland? To all these questions I can only answer, "I cannot tell you any thing of these matters. The House of Commons would not grant me an inquiry: they went hand in hand with the minister." I wish the House of Commons to have credit with the people. I know there are enemies to this House; and if you refuse this com-

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mittee, you will furnish more arguments against the House of Commons than any that ever were written upon the subject.

The question being put, "That the House do now adjourn," the House divided:

Tellers.

Yeas	Mr. Canning - - -	}	219
	Mr. John Smith - -		
Noes	Mr. Grey - - - -	}	63
	Mr. Sheridan - - -		

So it was resolved in the affirmative.

Mr. Halhed's Motion respecting the Prophecies of Richard Brothers.*] March 30. Mr. Halhed gave notice that he would to morrow bring forward a motion respecting the Prophecies of Richard Brothers.

March 31. Mr. *Halhed* rose and addressed the House as follows:

Although the motion I am about to submit to the House be strictly conformable to the tenor of the notice I gave yesterday, yet I must beg explicitly to be understood as having nothing to say which can possibly give offence to any gentleman who hears me, as if dictated by any animosity or the spirit of party. Much more do I desire most pointedly to abjure all intention of throwing out a single hint against the executive government of this country, or any one of the hon. gentlemen who compose it. I should indeed think myself singularly happy if I could by any form of words, contrive to disarm the prejudice (if any such exist, which I do not know) against me so as to obtain a fair and patient hearing, for what I shall have the honour to offer—if it be merely in consideration of that uniform and respectful silence which I have hitherto observed ever since I have had a seat in parliament.

In the first place, I hope gentlemen will acquit me of all personal motives in the part I now take, or in any in which I have lately engaged. Indeed it is well known that I have made some sacrifices both on the score of friendship and of interest. Nor does it hitherto appear that by my new line of conduct I have any where obtained an equivalent. At least I think I may be permitted loudly to assert, that I have no sinister intention whatsoever. That I have no intercourse with any man or set of men, public or private, whose principles or whose actions have, as far as I can judge, tended to the detriment of my country, or any of my countrymen; and that in separating myself from those gentlemen with whom I had always been used to act on the question of war and peace, I have conducted myself in a fair, open, and consciencious manner, strictly within my duty as a member of parliament, and my honour as a gentleman.

Now, Sir, to come more immediately to the subject of my intended motion, I flatter myself I shall not be deemed to convey any offensive meaning, if I express myself to have felt very great surprise, when, on the 10th of this month, Richard Brothers was taken up by a warrant from the secretary of state, and as I have been told by the messenger in whose custody he now is, on suspicion of treasonable practices. I say I may well be surprised, because I, who am conscious that not a thought, word, or action of my life, ever had the remotest tendency towards such crimes, have been for near two months back, in the habit of seeing him very frequently, without perceiving in him the slightest symptom that could indicate any bad designs; and because I had latterly observed that his house, in the forenoon, was constantly filled by persons of quality and fortune, of both sexes, and the street crowded with their carriages; none of which persons, I apprehend, would have once thought of paying him a single visit, much less of repeating it, if they could have conceived that they were fostering, encouraging, aiding, and

* Nathaniel Brassey Halhed, esq., a gentleman distinguished for his attainments in Oriental literature. He was formerly in the civil service of the East India Company in Bengal. On his return to England, he obtained a seat in parliament for Lymington; and afforded a memorable and melancholy instance of the eccentricity of the human mind, by becoming the avowed champion of Richard Brothers, and publicly professing his belief in the pretended mission of that wretched enthusiast. His valuable collection of Oriental MSS. was purchased of him by the trustees of the British Museum. Besides several pamphlets connected with the prophecies of Brothers, Mr. Halhed has published a Code of Gentoo Laws, or Ordinations of the Pundits; a Grammar of the Bengal language; a Narrative of the Events which have happened in Bombay and Bengal, relative to the Mahratta Empire since July 1777; and Imitations of the Epigrams of Martial, in 4 parts.

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abetting a traitor. Government, therefore, must have some peculiar information on the subject, of which both I and the persons to whom I allude, may be supposed ignorant; and, while I bow with the most unfeigned submission to the authority of the state, I hope to be indulged with speaking of Mr. Brothers in regard to that which I do know,

As a private man, Mr. Brothers is certainly a most unexceptionable character; and I have heard he was always much respected and esteemed in the navy. To his affability, moderation, and good sense in society, it is impossible but all those who have visited him must bear concordant testimony. But he has written two very extraordinary books—Aye, sir, there's the rub. The man was very well apart from his pen and ink, but when he mounted on the Pegasus of prophecy, he has galloped over all our heads, at the risk every moment, of dashing out our brains, together with his own. Perhaps, for indeed I speak only by conjecture, perhaps, I say, these books may be the cause of his present detention. But if so, I may reasonably express my astonishment that they should still be permitted full and free circulation, so much so, that I can assure gentlemen, from my own knowledge, the sale of them has most rapidly and inconceivably increased since the confinement of their author. Every man must feel that treason should not be permitted to disseminate itself in this manner, and therefore finding that no obstacle whatever has been opposed to the vent of those publications, I must necessarily doubt, I say, whether or not they are the cause of Mr. Brothers's imprisonment. At, least, however, while they are not prosecuted, nor even threatened, I am at liberty, I conceive, to buy them, to read them, and to make my own comments on them, and to disperse them in whatever manner I choose, and all without intending, much less without giving, any offence to the government of this country.

These books, Sir, if I may be supposed sufficiently *compos mentis* to form any judgment on the subject, appear to me to be founded on principle which every one of us acknowledge and avow, namely, the common broad principle of Christianity, as it is contained in the Bible. Christianity, we all know, is subdivided into an innumerable multiplicity of facts, which differ from each other in more or few subordinate articles. But they must all necessarily admit the interference, in some shape or other, of God in the government of the world, and the authenticity of the scriptures, on which all christianity depends. Now though I do not say it is altogether a shadow, yet it certainly is not inadmissible in this free country—where a translation of the whole Bible is published in the Vernacular tongue, by royal authority, for any man to build upon those scriptures as a theory of his own, in conformity to that which he may conceive to be their true and recondite meaning. Always, however, I most implicitly allow—in perfect submission to the laws and police of the country. As a matter most in point, I shall beg leave to instance the very numerous and very discordant commentaries which have been written more in this kingdom than in any other, on the prophecies contained in the Old and New Testaments. I shall be bold to say, that the very canons of the Anglican church, and the authority of the prophecies themselves, is put out of all doubt. All the difference that can exist in opinion must necessarily be on the score of interpretation.

One man finds the whole of their mysterious and hidden allusions to bear exclusively on Rome, and another on Turkey. France is by some deemed the grand theatre of their renunciation; by others, perhaps, Germany or Poland. But if one solitary individual happen to pinch on Great Britain as the destined spot for the elucidating of these enigmatical predictions, surely it is not unseasonable that he should request cool and dispassionate investigation of the grounds of his assertion before you condemn him to fire and faggot. We have all heard, and thought, that prosecution for religious opinions was annihilated in England, that toleration was every where making a rapid progress. This toleration is what I now solicit; not immediately on Mr. Brothers's account, but on my own. I solicit it in the present instance for the few minutes in which I shall detain the House, aad I shall then solicit it for a candid perusal of the papers which I mean to make the subject of this day's motion.

I have heard, but I really know it not on any certain authority, that Mr. Brothers's arrest proceeds from an expression in one of the very last pages of the last edition of his book, dated 20th of February, relative to the king. If I may do it

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without offence, I will venture to read that passage, and endeavour to show, that it contains no treasonable or inflammatory matter whatever. I have selected this particular passage, because I have very good information that the jury impannelled to try him for insanity, desired him to read it, and say if he avowed it, both of which he did; and really, Sir, any man may do the same, without any colour of suspicion for treasonable practices. Here it is: see page 110. "The Lord God commands me to say to you, George the third, king of England, that immediately on my being revealed in London to the Hebrews, as their prince, and to all nations as their governor, your crown must be delivered up to me, that all your power and authority may cease." Now, Sir, it is fair to say, that if I were to premise a palpable impossibility to such a proposition, I might make a similar demand on the king. I do not mean that it might not be deemed indecent or insulting, but we see greater and more scandalous liberties taken every day with his majesty in pamphlets, newspapers, print-shops, &c. If, for instance, I were to assert, that on some future day. I should ascend to the top of St. Paul's, and from thence fly over London, and in sight of all its inhabitants, to Westminster Abbey, after which the king must seat me on his throne, and kiss my great toe, most people, I allow, would think me mad; but I certainly should not dream of being apprehended for treason. What has Mr. Brothers said?—He has said, that he shall be revealed to the people of London, by a sign similar to that of Moses, namely, turning a common hazel stick into a serpent, and reinvesting it into a rod, a fact, full as impossible to all human comprehension as my flying from St. Paul's to Westminster Abbey; and that he shall then be visibly accompanied by an angel, in the form of fire; after which the king must do so and so. The whole therefore depends on the previous performance of a fact, which certainly no one member of administration deems within the verge of possibility. I must honestly confess that in this instance, the very opposite construction to that of treasonable intention, appears self-evident; the prophet engages to accomplish his part of the miracle first, after which he says, the king will perform the second miracle, namely, hand his crown to an obsure individual, who was his own subject, aud actually his prisoner. Had the condition been reversed, the plea of treason would not have been so ill-founded, and the ignorant, the profligate, or the ill-intentioned, might have made a handle of it, to the detriment of the monarchy, if a sufficient number of proselytes had been obtained to co-operate in the purpose. All the inference I pretend to draw from this circumstance is the following: if the asserted mission of this prophet be true, and if he be destined to perform the miracle alluded to, his present imprisonment will be no obstacle at all. If there be no foundation for his predictions, I think an innocent man is made uselessly to suffer for a mental delusion, which did not require such severity. For without being an enthusiast, I hope I may for once apply a couple of verses from the book which we all profess to hold in veneration; they are the 30th and 39th verses of the 5th chapter of Acts: "For if this counsel or this work be of men, it will come to nought: but if it be of God, ye cannot overthrow it." And here it may not be unreasonable to remark, that Mr. Brothers had actually renounced seeing all indiscriminate visitors two days before he was arrested by order of government, and to this circumstance he alludes, in one of the last passages of his book, so that in fact if he had been guilty of any treasonable practices he had anticipated the intentions of government, by voluntary renunciation of government; and I presume it will hardly be said that four or five unambitious men, of whom I was one, having occasional admittance to pass an hour with him in a morning, could have any serious designs to overturn the state, and to dethrone the king.

Now, Sir, with respect to his prophecies in general, I must own, that as far as it has come to my knowledge, all those which he has recorded in print have either actually been already fulfilled, or remain in a state of which it cannot, with any propriety, be asserted that their completion is impossible. If it be a fact, as I myself do not hesitate to declare my unqualified belief, that he did write to the king, to you, Sir, to his majesty's ministers, and others, in the manner, and in the dates which particularised many other of his predictions, either they have been fulfilled, or, if not, you are called upon to refute them; but this I roundly maintain, and defy any man to prove the contrary, that out of his prophecies. as here published, not one has hitherto turned out to be false; and all the miserable at-

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tempts, in miserable pamphlets, to fritter them away, or demonstrate their failure, have ended in the disgrace of their authors.

Among the denunciations yet unfulfilled, and which I, in common with every other man, sincerely hope may never be fulfilled, are some which relate to this parliament, and to the House where I am now speaking. If it be true, Sir, that I have still many friends here, who would kindly interpose to save me from that precipice of obloquy and disgrace, down which they think I am about to rush in consequence of my present motion, I hope they will not deem it unpardonable in me to be guided by a similar sentiment, and to act upon the same motives of pure philanthropy, however erroneous, if I may be so unhappy as to apprehend their standing on the brink of a precipice infinitely more alarming, and to say the truth, it is my opinion. Sir, I knew Mr. Brothers but a very short time before I published a small pamphlet, which I hope every gentleman here has received. I never saw either of these books of prophecies, or indeed heard of them till the 5th of January last, and the tenth of the same month was the first time I ever saw their author. I read his works, and compared them with the scriptures, as advised. I declare, upon my honour, this is the whole and entire ground of the present bias of my thoughts, which in one sense may certainly be called my conversion. I confess, indeed, that having a good deal of leisure, I took considerable pains on the subject, and by frequent perusal, discovered a variety of connexions and coincidences between the several parts of his works with each other, and between the whole and the scriptures, which at first sight had totally escaped my attention. Is it very unreasonable or indecent on my part to wish that gentlemen would apply some part of the leisure of the approaching recess of parliament, to a deliberate perusal of the same works? Can any detriment result from it? Is it impossible that God should once more interfere in human affairs, as we have the recorded testimony of the Bible to prove he did formerly? This is all I ask.

Gentlemen will undoubtedly recollect frequent and palpable inattention both of governments and whole nations to discoveries of the utmost importance, and which have afterwards given a new turn to the affairs of mighty empires; to instance only one case, by how many crowned heads and powerful countries was Columbus rejected, when he offered practically to demonstrate the existence of the Western continent? the thing was deemed impossible, the very supposition perhaps, was treated by many as impious. Facts, however have since bore sufficient evidence to the solidity of his opinions, and left nothing but regret and remorse to those who had too precipitately despised them.

In his second book, page 23, in my edition he says "He was commanded by the Lord God to go to the House of Parliament on the 17th of May, 1792, and acquaint the members for their own personal safety, and general benefit of the country that the time of the world was come to fulfil the 7th chapter of Daniel." And much as I may regret, and much as all of us may have occasion to regret, that he was at that time dismissed (as he says) with unfeeling contempt and incivility from our door, since the subsequent unfortunate events which he mentions to have been ordered to communicate to us, that they might have been averted, cannot now be prevented or redressed, still I may hope that the very coincidence of the events, with his predictions, may have some weight with us not to reject him unheard for the future; and for this reason, had he now been at liberty, I should certainly have moved that he be admitted to the bar of the House, and there be suffered to declare to us any thing he may have it in command from God to say.

But that I may exhibit that unfeigned submission which I most assuredly feel towards the executive government of the country, I beg leave now to offer, and I most earnestly entreat to be permitted, to lay on your table a copy of his works for the use of such of the members as may choose to peruse them.

I must confess, that I cannot charge my recollection with any instance of any printed papers having been so presented and therefore I am utterly at a loss to know if a paper so circumstanced, be admissible; to obviate, therefore, this cause of rejection, I have taken the liberty to bring with me a complete copy of Mr. Brothers's works, which I have had bound for my own use, and in which I have inserted with my own hand, a very great number of notes, elucidations, and similar passages from the scriptures; all of which I conceive to be perfectly accessible to your table by the rules and forms of the House,

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assuring you, Sir, that I should not have presumed to intrude any observations of mine on your notice, if an any other mode (on the spur of the occasion) had suggested itself to my mind.

Notwithstanding, I venture with all humility to offer my opinion, that much labour of reference and comparison (which is not always a pleasant task) would be saved to those honourable gentlemen who should deem the whole worthy of their attention, by the pains I have taken in adjusting and arranging the various correspondent passages, and with this view I beg leave to observe, that if my motion for laying the book on your table be granted, I shall then move, that it be printed for the use of the members. He concluded with moving, "That the Books of Richard Brothers, intituled, 'A Revealed Knowledge,' &c. be laid upon the table."

The motion not being seconded, the question was not put upon it.

April 20. Mr. Halhed gave notice that he should on a future day have several motions to make relative to Mr. Brothers. First, with respect to the warrant of his commitment and examination before the privy council; secondly the proceedings before the jury; and a motion for a committee of that House to inquire into the cause of his present confinement.

April 21. Mr. *Halhed* addressed the House as follows:—

When I had the honour to make a motion in the House this day three weeks relative to the books written by Mr. Brothers, it cannot be supposed that the actual situation of the author was out of my mind—very far from it; I had, indeed, on that day designed to bring forward the subject in the form and manner in which I now present it; but altered my plan in consequence of a desire from an hon. member, my particular friend, and whose opinion has always great weight with me. When I had so deviated from my original idea, I had the misfortune to be told by the most respectable and most respected authority in this House, that the motion I was about to make was exceedingly objectionable in point of matter. In this situation, which way can I turn myself? What rule shall I adopt for my conduct?—None, none but my own sense of duty; a conscientious discharge of those functions which the British constitution so justly venerated by all of us, has consigned to that branch of the legislature, of which I form an unworthy part, must and shall be my guide. Independent on principle, and attached to no party, I will not flinch from the task imposed on me by the hand of Providence. But I will certainly, by every conciliatory argument, endeavour to divest disapprobation of its frown, and disarm prejudice of its severity.

Sir, the papers which, according to my notice of yesterday, I shall this day move to be laid on your table are, the warrant from the secretary of state for the home department, by which Richard Brothers was arrested on the 4th of last month, on suspicion of treasonable practices, together with the information on which the warrant was founded; and thirdly the minutes of the whole proceedings, held at the King's-head tavern in Palace-yard, on a writ *de lunatico inquirendo*, together with the verdict of the jury there impannelled. If any one of those papers are granted on them, I mean to ground a motion for the House to resolve itself into a committee, to take the whole matter into consideration, and that the House may afterwards give such relief thereon, as to its wisdom shall seem requisite; and as tomorrow is an open day, I hope I shall be indulged with so favourable an opportunity for my purpose.

When I reflect on the subject of my motion of the 31st March, I own I am both surprised and concerned that it should have experienced so little attention. For it must have been demonstrably evident that I could have no private or personal views in the business, even if I had not so pointedly disclaimed them; and that the disregard, dislike, contempt, and abhorrence with which I have heard the books alluded to, occasionally branded, are neither just nor reasonable, I am still so ignorant or so obstinate as not to comprehend. But when I consider the exceeding variety of tempers, dispositions, characters, and pursuits necessarily existing among so many different persons, that I should not have found one gentleman to second me, is, I confess, a subject of much astonishment. For when a topic, pregnant with religious allusions and professedly (even if we suppose it mistaken) founded on the grand basis of Christianity claimed nothing more than a deliberate discussion, where were the pro-

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moters of the Sunday Reform bill? When the cause of a suffering and persecuted individual pressed (though obliquely, and by insinuation only) on the notice of the House, where were the meritorious defenders of Muir and Palmer? When dangers, however visionary, were announced as threatening this parliament, and this nation, where were the indefatigable detectors of the affiliated democratic societies? When imputed insanity was offered for consideration, where were the invincible bulwarks that preserved regal delirium from an intrusive regency? Alas! alas! they must all have been sick, or sleeping or peradventure on a journey. When the subject of universal peace was offered as a matter of calm reflection, where were all the strenuous and able opposers of the present calamitous war? When bolts and bars, imprisonment and chains were pathetically held up to view for commiseration and relief, men were persevering denunciators of the African Slave trade!

Well, Sir, though my motion of that day did thus surprisingly fall to the ground, I must implicitly trust it did not wholly fail of its intended effect. Many gentlemen, I am convinced, did read Mr. Brothers's books during the interval of the recess, and some I knew to have applied for and received them from the author himself previously to that period. Wherefore, though by my former ill success I am precluded from direct application to the contents of those books, I am perfectly warrantable in alluding to them, as of public notoriety: and indeed few compositions, since printing was first invented, have excited more general attention.

Any man who considers my former motion, must at once discover that it led to those which I presume to offer this day; and I should have thought myself unpardonably negligent of my duty, whether as a legislator or a christian, if I had suffered the business to evaporate after once taking it up, without at least straining every nerve to procure some substantial redress for the person who is known to have been the ultimate object of my exertions.

Had I in the former case succeeded, it would have been very natural, Sir, that I should beg of the House at large, to point out any passages in the books I have mentioned, from whence the slightest tendency of a treasonable intention could be inferred. I myself know of none. That alone which had been hinted to me, and which I had any reason to suspect as in the remotest degree liable to such an imputation, I clearly explained upon a former occasion. And the more pointedly to evince my perfect conviction of the innocence of these books, as far as treason is concerned, I here, in the face of the House, adopt the whole of them as my own. I subscribe to every assertion in them from the first to the last; I make myself a conscious, a willing accomplice in all the guilt contained in them—"*Habetis confitentem reum*," and I desire nothing more than to be proceeded against legally and up to final judgment and sentence upon those grounds.

If now there be treason lurking in these publications, I am committed beyond all evasion, and gentlemen know what to think of me; but I am firmly convinced, no such accusation can be thought to attach, and that I am in no danger. And as, I trust, that hitherto, and up to the very instant of these assertions, I have ever maintained the character of a faithful subject, and true to my oath of allegiance, I shall, for the present, venture to assume it as a fact, that the writings in question, as far as they go, are not treasonable. Their author then must have incurred this dreadful imputation from some other circumstance. Is it offensive, is it indecent, is it unparliamentary to inquire of what nature these damning circumstances may be?—for I neither know, nor have heard, nor can possibly conjecture any one. Last year, when various persons were taken up by a similar interference of the executive power, we were fairly and candidly told the grounds of their arrest; the formation of, or connexion with popular societies, formed on principles resembling those of the Jacobin clubs in France, and deemed to be equally subversive of all regular government, were the ostensible plea of their imprisonment. Here is a ground to stand upon. Here is a fact held up to the warning of every one. To be member of a club, or at least of a certain description of a club, subjects a man to the suspicion of treasonable practices. Was Mr. Brothers institutor of any such club? Was he even member of any club at all? I answer authoritatively, No. Well, but it may be said, if a number of persons be collected together, even without the form or name of a club, treason may still be disseminated at such assembly. If the names of pre-

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sident, or chairman, and secretary, be committed for those of minister and clerk, the mischief may be no less serious and no less apparent. For do we not know, that Oliver Cromwell was himself a preacher, and subverted the constitutional government of the country by means of field preachers? I answer, Mr. Brothers was no preacher, he never assembled, nor thought of assembling any congregation whatever; and he had neither more intention nor more appearance of collecting an assembly for seditious purposes, or for any purpose, whatever, beyond that of general conversation, than you, Sir, have at your levee, or the president of the royal society at his breakfasts.

Mr. Brothers was generally at home a few hours in the morning. Inclination, curiosity, example, occasionally belief in his predictions, induced various persons to call upon him, and he was never denied to them. Members of parliament, and ladies of quality, have met there without blushing and without offence. Sometimes he was civilly treated, very often cavilled at, and not seldom abused; but he was uniformly calm, obliging, and consistent with all. In this part, therefore, of his conduct I am totally at a loss to discover any outlines of the traitor; and if others, more quicksighted than myself, have seen deeper into this particular, I hope it will be communicated to us this day for general information. Arguing, however, from my own personal knowledge of him, as far as it goes, I assert, with no less boldness of his way of living than of his books, that no treason whatever can be detected in either.

It follows, that if there be no treason, there must be much insanity about him. For something, undoubtedly, we must assume, as the cause originally of his arrest, and hitherto of his imprisonment. By what test shall we try him on this head? I sincerely hope not by the investigation at the King's-arms tavern; for if the proceedings which I mean to move for, are fairly brought forward, as doubtless they will be, I am sure I shall prove the evidence on that head, to have been completely insufficient and nugatory.

Now, Sir, if the books I formerly moved for lay at present upon your table, I would desire neither more nor better evidence than they contain, to evince to the satisfaction of every reasonable man, that the writer has not the slightest tincture of insanity about him. What is the object professedly proposed by those books?—the restoration of peace. From one end to the other, in every page, and in every sentence, we may visibly trace this one grand prominent feature. Sometimes it is urged on the score of political advantage, sometimes on principles of religious duty; here it is recommended by a striking picture of its beneficial consequences, there contrasted by a terrific display of the calamities of war. The author shifts his arguments, and diversifies his representations, to suit every species of understanding, and accommodate himself to all the various classes of his readers; and is this madness? Is that versatility of thought and sentiment, which in all other writers is deemed one of the first essentials of genius, to be wantonly and unfeelingly misconstrued, as the wanderings of deranged intellect, because it may not exactly suit the temper of the times? Forbid it, every principle of virtue and justice; forbid it, every spark of humanity and philanthropy. In proof of what I have here faintly attempted to describe I might appeal to a thousand passages scattered over every part of Mr. Brothers's works; but I will produce only one; it is in the 41st page of the second book, and a more striking example of sound abilities and correct imagination, I am well persuaded, could no where be selected from Demosthenes or Cicero, or any other of the best of human authors, ancient or modern. It is a comment on the 27th verse of the 7th chapter of Daniel.

In what I have taken the liberty to state to the House on the present occasion, I hope, Sir, I shall not be so widely misunderstood, as if I endeavoured to throw an odium, or set up an accusation against any members of the administration, or any other persons of respectability whatever: I have no such intention. If spies and informers, basely stabbing a man's fair fame in the dark, have misled the candid and unsuspecting minds of liberal gentlemen, let us unmask their hypocrisy, and rescue their victim from unmerited punishment. If medical pretenders, by reliance on visionary theories, or with a deep laid plot of systematic villany have conspired to cry down a man's intellect, and rob him of Heaven's choicest inheritance, his sanity of understanding, let us expose their ignorance or chastise their depravity by effectual interference. All I wish is, to procure redress for an undeserving sufferer as I deem him, or to

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gain some conviction of the justice of his sufferings. And that this, Sir, is not an easy matter, nor a matter attainable through any regular official channel, I hope to make fully evident; nor indeed do I know of any channel, but that of the inquisitorial authority of this House, by which the relief I speak of, which gentlemen will allow must necessarily be prompt if we would have it efficacious, can possibly be obtained. The person in question is, as a suspected traitor, in the power of the secretary of state—as a lunatic he is immediately under the lord chancellor. If I apply to chancery, I must expect to be told he is a state prisoner, under warrant from government for treasonable practices. If I refer to the secretary of state's office, I shall have the same answer as given to another friend of his, "that he is not properly under that department, but as a lunatic is to be sent to some hospital, where, perhaps, by leave of the governor, I may be permitted to see him." Between these two noble personages, while I am bandied about as a shuttlecock, Mr. Brothers may be transferred to a third or a fourth department whither all my industry may be exerted in vain to trace him. All I require, therefore, is to discover with precision whether this Mr. Brothers be a traitor or a lunatic. He may possibly be neither; but it is morally certain he cannot be both. I neither wish to palliate any crimes he may have committed, nor to screen him from any merited punishment of the law.

A few words more, Sir, and I am done. I have caused to be delivered at the door, a printed paper, written, I confess, partly on another subject than personal controversy, though bearing immediately also on my present motion. I most sincerely apologize for its intrusion, and I hope I shall be forgiven, when I mention, that it is done precisely for the purpose of taking shame to myself, in having there inserted a proposition which is not warranted by fact. As far as that assertion goes, I can say nothing in my own defence. I admit it to be false, and I ask pardon for its insertion. I have there said, that "the verdict of lunacy was brought in at the very meeting before ever the person to be decided on was examined at all, and I now know that his examination was previous to the verdict—they had only made up their minds to it, before they saw him. I eat my words. Now with respect to the documents which I move for, they cannot, I think, betray any secrets of state. For if there exists a plot, of which government wished to explore the different ramifications, before they promulgate their information, I think the verdict of lunacy is effectually done away. A conspiracy headed by a madman can be no very tremendous object, nor do I think his accomplices could have so long lain hid, when their chief was in confinement, and if this supposed conspiracy lay in his books why, after the open warning I gave three weeks ago, has no step been taken to impede their circulation? The examination before the privy council I am pretty well assured, may be published without any danger. All was politeness candour and good sense in that quarter: and though curiosity might be gratified by the publication, no new article would from thence be added to the catalogue of treason. Of the verdict of insanity I have little to say. The jurymen themselves are not very consistent in their accounts of it, which may a little palliate the error I have acknowledged; but if their proceedings be granted to my motion, opinion then will have something solid to rest on. I now conclude, most earnestly intreating gentlemen to consider themselves as representatives of the whole British nation, to be meritoriously employed in redressing, where it may be possible, the accidental oppressions of any one British individual, however obscure, and I hope that a man who has creditably served his king and country in the royal navy, the pride and the bulwark of the empire, will never appeal in vain to a British House of Commons. I therefore move, "That a copy of the warrant of the Secretary of State for the apprehending of Richard Brothers, be laid before this House, together with a copy of the information on which that warrant was grounded."

Mr. Halhed having given in his motion, the Speaker asked, who seconds this motion? The rebeing no answer, the Speaker said, as this motion is not seconded, it cannot be put from the chair.

Debate in the Commons on the Bill for the better Observation of Sunday.] March 26. Sir *W. Dolben* having moved the second reading of the Bill to amend and render more effectual the act of the 29th of Charles 2nd, for the better Observation of the Lord's Day, commonly called Sunday,

Mr. *M. A. Taylor* said, that he rose

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with the intention of moving, that the second reading be deferred to that day three months. He felt confident, that when the House heard his reasons, they would not let this bill proceed; they would not wish to extend the act of 29 Cha. 2nd so far as to make a breach of it punishable by fine and imprisonment; and to subject the person offending to an indictment as for a misdemeanor. He was as much attached to a proper observance of the Lord's day as any man; but his objection to this bill was, that if it passed it would operate oppressively only on the middling class of the people. If the House were really zealous for the observance of the Lord's day, why did they not go to houses of luxury, to clubs, and the dwellings of the higher ranks? Persons of rank and fortune had servants to dress their hair on a Sunday, in order that they might appear decent at church; but the middling ranks were obliged to have a hair-dresser. It was true that hair-dressing was not a matter of necessity, but it was of decency, and he thought it creditable to the country that persons of all ranks should appear clean and decent in their attendance on public worship. By the act of Charles 2nd hair-dressers were liable to a penalty of 5*s*., but by this act to a large fine and imprisonment. Gentlemen surely could not wish to subject persons to such penalties for a laudable attention to decency. Many of the lower classes did not get their wages till a late hour on a Saturday night; and by this act if they should buy a piece of beef on Sunday, they would be liable to be fined any imprisoned. It might be said, this was a work of necessity; but still they were liable to be indicted, and he did not like subjecting them to all the inconveniences of a prosecution, nor to leave to a jury to determine whether necessary or not. Another objection was, that by the act of Charles 2nd no penalty could be incurred, unless information were given in ten days; but this bill limited no time, there was no limitation to an indictment; so that if any person were to have his hair dressed, or took a boat, or rode out the next Sunday after passing the bill, he might be punished at any period of his life. He admired an observance of religion, but it was that excellent religion which was the effect of reason, and not an enthusiastic effusion from the tabernacle, or a mystical reverie. He believed that none even of the most fanatical followers of Whitfield would wish to have this bill passed, if they took the trouble of considering it. He therefore moved, that instead of now, the second reading be deferred to this day three months.

Mr. *Eliot* said, that one consideration in favour of the bill was, that the act of Charles 2nd had been ineffectual. The observance of the sabbath was essential to the very existence of religion; it was notoriously declining in this country; in the present year, the building of great edifices was carried on openly, and in defiance of decency, on a Sunday. Another circumstance which was very offensive in the eye of decorum was, the great number of public waggons which travelled the road on a Sunday. Some few years ago no such thing as a public waggon was seen on the road on the Sabbath day; whereas, nothing was now more common; and it was carried to an extent which required considerable restriction. Justices of peace did not know how properly to enforce the penalties inflicted on persons not observing the Lord's day. It was certainly right to relieve them from this difficulty, by some amendment to the act of Charles 2nd; he therefore hoped, that gentlemen would suffer the bill to go into a committee.

Sir *W. Dolben* was strongly of opinion, that some such bill as this was extremely necessary. He had therefore brought it in; and as nothing he had yet heard went against the principle of the bill, it ought to be permitted to go to a committee.

Mr. *Courtenay* considered the bill not only as very reprehensible in its consequences, as being a bill of pains and penalties affecting chiefly the middle and lower orders of people; but he averred it was also a very inquisitorial bill. He could see no reason why waggons should be restricted from passing on a Sunday, when gentlemen's carriages and post coaches were allowed to roll about the roads without the smallest animadversion. In the case of waggons it might be necessity which induced their owners to use them on that day; in that of gentlemen's carriages, it was the mere whim or pleasure of the owners which put their wheels in motion. The due observance of the Lord's day, by which he supposed the attendance at some place of public worship was meant, was equally broke through in both cases; and why it should

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be more deserving of censure, in the case of necessity than it was in that of caprice, it was not in his power to account. He conjured the House not to give way to this sanctimonious enforcement of the observance of that noble religion which was professed in this country, by endeavouring to make the dread of a justice's warrant more conducive to its general establishment and security, than the sublime dictates of sovereign reason. In the starched and gloomy days of the Commonwealth, no such means as these had been resorted to, and every one knew how much stress was laid on the observance of the Lord's day in those times. Mr. Hume mentioned a dialogue between a Puritan and a Cavalier, in which the Puritan tells the other that his party are very wicked, for that "they indulged themselves in gaming, in drinking, and in the company of lewd women, and never went to church." "True," replies the Cavalier, "we do so, and we do it openly —our nature impels us to love women, and our inclination to drink, game, and stay away from church; but you do all these things in fact, and hypocritically veil it under the sanctimonious ceremonies of ostentatious observances."—He objected to the present bill on another ground; for under pretence of enforcing a stricter observance of the Lord's day, by the middling and lower class of people, it gave licence to another numerous set of men to break in upon that observance, in a manner which they were restricted from by the act of Charles 2nd. In pursuance of that act, and by the common law, no bailiff or sheriff's officer could execute any writ, process, or executions on a Sunday. By this act they were empowered to execute all such processes for offences committed on that day. There was another striking hardship, that would be a consequence if this bill passed into a law. Every person who could not afford to pay a valet to dress his hair, would, if he sent for a hair-dresser, be liable to be prosecuted. It acted also by way of double penalty, for the poor hair-dresser was liable to the same penalties. What had the poor hair-dressers done, he asked, to make them so odious in the eyes of ministers, that they were thus, in the exercise of their trade, to be exposed to the risk of punishment more than other classes of men in the community.—He was convinced the bill would be productive of the worst consequences Instead of conciliating men's minds, and making them love religion, it would sour the minds of the people, and render them liable to the most unjust punishments. It had been well observed, that among the lower and most industrious orders, it frequently happened, that fathers of families did not receive their wages before twelve o'clock. It was then Sunday morning, and if any informer saw this honest son of industry laying out his money for so irreligious a purpose as purchasing a dinner for his family, he might get the poor creature indicted, and afterwards punished by fine or imprisonment. Such would be the blessed effects of this bill if passed into a law! Much had lately been said and written about prophecies, which had in no small degree, alarmed and agitated the minds of the people. Prophecies were things which he did not much attend to, but he had lately met with one written about 260 years ago, which appeared in a paper intituled, he believed. Rowland's Itinerary. This he would, with permission, read to the House:

"In Oxford, much against my will,
I met two Knights, Dolben and Hill,
The first he was a most profane one;
The next a rigid Puritanian,
Who hang'd his wicked Cat on Monday,
Because she catch'd a mouse on Sunday."

As this bill would tend to throw a gloom over men's minds by making them amenable to such severe penalties and punishments as were never deemed necessary in the profligate days of Charles 2nd to enforce a proper observance of the Lord's-day; and, as he was convinced that the people in general paid every decent attention to it, he should give his decided vote against its being read a second time.

Mr. *Pitt* did not think the bill was such as ought to be passed into a law; but as some amendment of the laws now in being was necessary, he wished the bill to be allowed to go into a committee.

Alderman *Newnham* was against the principle of the bill. The law as it stood was, he thought perfectly adequate to enforce every necessary observance of the Lord's-day. The act of Charles 2nd imposed a fine on persons purchasing even necessary provisions on a Sunday, and to add to that the penalty of imprisonment would be abominable.

The *Master of the Rolls* said, the present question was a very short one. Was there any necessity for farther enforcement of the proper observance of the

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Lord's-day, or was there not? For his own part he thought there was, and though he by no means approved of the bill as it now stood, he was still for letting it go into a committee.

Lord *W. Russell* saw much mischief in passing such a bill as the present. It would tend to revive those religious distinctions which had given great uneasiness to the people in former times. It would also give encouragement to a more extensive exertion of the infamous talents of a set of men who had given much alarm and vexation to the people in modern times: he meant spies and informers. Those pests to the comfort and happiness of social life, and the freedom of the community at large, would be let loose upon the public like beasts of prey, and would harass and terrify the people, from the wide scope which would thereby be afforded to them for the abominable exercise of private pique and personal malevolence. He was of opinion, that the Lord's-day was in general well kept in this country, and that where it was not so the laws in being were fully adequate to enforce that which was proper and necessary.

Colonel *Cawthorne* said, there were numerous bodies of men in this country who were obliged to work on a Sunday. He instanced the glasshouses, collieries, &c. where the fires must be kept in, or the works would be at a stand. Were these men to be subjected to fines and imprisonment for what could not be avoided? He hoped not. The laws already in force were fully adequate. He would therefore oppose the bill.

Sir *Richard Hill* was of opinion the bill should be suffered to go into a committee. He said, much ridicule had been endeavoured to be introduced on the occasion, but that to him signified nothing. He should not wonder to hear any one ridiculed now-a-days for barely mentioning the Bible. Still he would contend that a more strict observance of the Lord's-day was necessary, and he thought the laws now in force were not sufficient for that purpose.

The question being put, that the word "now" stand part of the question, the House divided:

Tellers,

Yeas	Mr. E. J. Eliot - - - sir William Dolben -	25
Noes	Mr. M. A. Taylor - - Mr. Dent - - - - -	21

The bill was then read a second time. On the 13th of April it was moved, that the bill be committed on that day six months. Upon this the House divided: Yeas, 44; Noes, 43. The bill was consequently lost for the session.

Debate on the Earl of Guilford's Motion for a Committee on the State of the Nation.] March 30. The order of the day being read,

The Earl of *Guilford* said, that he rose at the most awful and critical period that had ever occurred in the history of the country, to call upon their lordships to appoint a day to take into consideration the State of the Nation; an object the most serious and important that could possibly engage their attention. In laying his grounds for an inquiry, he should chiefly call the attention of their lordships to the present state of our allies, the conduct of government towards neutral powers, and the domestic situation of the country. He should arrange what he had to say under three classes, namely, what related to the political, the military, and the naval system, which had been pursued by ministers in the conduct of the war. On each of these heads, he hoped to convince their lordships, that there was urgent ground of inquiry. And, first, as to the political system which had been adopted by ministers. He should not now enter into the justice or necessity of the war. But it must be obvious to every one, that after our exertions had ceased for the defence of Holland, the object of the war had been left entirely vague and indeterminate. Ministers ought to have adopted one of two objects: either they ought to have held out that the present was a war for the restoration of the French monarchy, in which case they would have united the views, and concentered the efforts of all the friends of royalty; or they ought to have declared, that it was a war in order to curb the progress of French ambition, and confine them within their own territories. Had the object of the war been professed to be the restoration of the French monarchy, its absurdity would long since have been perceived, and the people of this country would have been tired of prosecuting so fruitless a contest. Had it been declared that it was merely to curb French ambition, and confine them within their own limits, without any wish on our part to interfere with their govern-

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ment, an opportunity would have presented itself for restoring peace, when we were in possession of so many places on the French frontiers, and had acquired great part of their islands in the West-Indies. But what had been the conduct of ministers? They had avowed no precise object; they had adhered to no steady line of action. Here lord Guilford referred to the different declarations which had been made by our ministers abroad, as contrasted with the conduct which had been adopted in the prosecution of the war. At the very moment that lord Hood was engaging to support the Toulonnese, in restoring Louis 17th, to the throne of his ancestors, ministers were bartering with the Corsicans, to withdraw their allegiance from their lawful monarch, in order to transfer it to a foreign sovereign. So that, at the very moment they were professing to concur in the object of restoring Louis 17th, they were taking measures to dilapidate his dominions and seduce his subjects from their fealty. What could be the effects of this duplicity, but to inspire all true loyalists in France with disgust and abhorrence, and render them as averse to the success of those pretended friends of monarchy, as to the usurpation of their republican rulers? Lord Guilford next proceeded to examine the conduct of ministers towards the neutral powers, which he affirmed had been calculated to stain the character and lower the dignity of the nation. It had neither been marked by that sense of honour, nor those maxims of justice, which ought to regulate the proceedings of a great people in their transactions with other states. Ministers seemed to have proceeded upon that broad principle, which had been avowed by sir Gilbert Elliot that all mankind must become parties in the present contest. The insolence of the bravado had not, however been justified by the success of the means which were employed, in order to carry it into effect: the remonstrance of lord Robert Fitzgerald to the states of Switzerland, had only the effect to produce a calm and dignified answer from that republic. Even the petty state of Genoa laughed at the high tone of those menaces, which afterwards proved to be impotent. Their conduct towards Denmark and Sweden had been marked by the same insolence, and followed by the same effects. All these powers, and the duke of Tuscany had lately added himself to the number, had shown what ministers affected not to believe, that the French were fully capable of maintaining the accustomed relations of peace and amity with other nations.—He next proceeded to remark upon the different treaties into which ministers had entered with the allies; treaties which had only proved to be useless and expensive. In all of them he found the condition, that this country was not to make peace till all our allies should be restored to the possession of their territories; a condition which might operate as a material obstacle to any negociation, and, perhaps, scarcely be got over without a seeming breach of faith. What was the advantage we had derived from those treaties? Would the Emperor have been less strenuously disposed to fight in defence of his own dominions in the Austrian Netherlands? Could the king of Prussia possibly have afforded us less assistance, though we had not entered into the treaty of 1793, or the subsequent subsidiary treaty? Could the stadtholder have been more unfortunate even, though, we had allowed the Dutch peaceably to submit to the free navigation of the Scheldt, and not forced them to take part with us in the war? Spain and Sardinia were both previously engaged in the war, and it was not necessary that we should form new engagements in order to secure their co-operation. Might we not have reserved to ourselves to have afforded them that degree of assistance which we might find expedient, without pledging ourselves to terms which might be found inconvenient in their subsequent operation? One ally we had of a peculiar description, who might be truly said to have afforded us a negative assistance; he meant the empress of Russia, who, though she affected more zeal in the cause of royalty than any of the confederate powers, had hitherto done nothing to co-operate with their arms. She had taken another way to promote the interests of regular governments. With her, liberty and rebellion were synonimous terms; and she might probably think that by crushing the brave Kosciusko, the champion and support of freedom in Poland, she had done more to benefit the common cause than by reducing a province or subduing an army of the French.—Lord Guilford next took a view of the military conduct of the war. The uniform train of disasters which had taken place, furnished of themselves a sufficient ground of inquiry. If they

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did not afford decisive evidence of misconduct on the part of ministers, they were at least fully sufficient to justify suspicion. He adverted to what had taken place at the siege of Dunkirk, and to the proceedings at Toulon, which equally called for discussion. He asked, why so large a force had been retained on that insignificant spot Corsica, to the detriment of our other exertions? From the want of a sufficient force in the West Indies, the acquisitions which we had made in the French islands, had again been wrested from us; and he wished that even our own possessions might be safe in that quarter. How could ministers explain the circumstance of so large a force having been suffered to remain inactive at Southampton, where a gallant commander had been employed only in drilling the new corps? But a circumstance more remarkable than all was, that several regiments destined for the service of the colonies, had been suffered to remain for months in the transports, and to pine away with disease and sickness. A still more melancholy object of consideration was the situation of our brave countrymen on the continent, who had been driven from the walls of Landrecy to the extremities of the Rhine, and had gradually been suffered to perish in useless conflicts, till their numbers were now diminished from 30,000 to between 7 and 8,000. These were facts which called for the most rigorous investigation; and if they should be found to be true, no blame could be too great for the neglect or misconduct from which they had proceeded.—Lord Guilford next took a view of the naval service of the war. The same neglect and failure which appeared in the other branches, were not less discernible in this. He alluded to the culpable deficiency of convoy, and the number of captures, which exceeded those of any former war. He knew that these captures had been ascribed to the increase of our commerce, but this argument was refuted by the high rates of insurance. For though in consequence of the increased number of shipping, more might be liable to be taken, the risk did not become greater to a single ship. He mentioned the injury which commerce had suffered from the detention of vessels, in consequence of the want of convoy, for such a length of time, that the profit was entirely swallowed up. The higher rates of insurance were such as, in some places, to operate as a total embargo upon trade. Notwithstanding that we engaged in the war with a navy so greatly superior to that of France, the French fleet had been suffered to parade in our channel without opposition or annoyance. While so many of our vessels had been captured, and our seamen carried into French prisons, the two most important convoys of the enemy had been permitted safely to reach their destined ports. In every instance, in which British commanders and seamen had been engaged, they had shown, by their skill and their gallantry, that no blame whatever could attach to them, and that the fault must entirely rest with those who had the chief direction and distribution of the naval force.—Such were the leading facts to which he wished to call the attention of their lordships, and which he considered as constituting proper grounds of inquiry. Wherever we turned our view, there appeared nothing but actual disgrace and impending calamity. What was the state of our resources and our prospects? We had already expended 70 millions in the contest. What dependance could we have upon our allies? The treasury of the Emperor was exhausted, and we had no reason to think that that of his Spanish majesty was in a better condition. One ally we had decidedly lost, and we had reason to fear that the resources of Holland might in future be employed against us. Any assistance from Russia was very precarious; and we had no hope of being able to carry on the war, except at the expense of the wealth, the commerce, and the manufactures of this country. The demand for British commodities must considerably decrease in consequence of the ports of Holland being shut against us. Thus, if we continued the war, we had only the prospect of diminished resources and accumulating burdens. The state of our population was another object of serious attention; already 50,000 men had been lost to the national force, and at what a moment would ministers be obliged to impose fresh burdens upon the people? At a period when they had libelled their attachment to the constitution, when they had represented them as actuated by a mischievous spirit, and had thought proper to suspend their freedom, and to restrict their communication with aliens. What measures had ministers taken to allay the discontent, if any such existed, in the minds of the people? On

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the contrary, was not their conduct calculated to inflame it, and to call it into action? He alluded to what had lately taken place in Ireland, and to the palpable evidence which had there been given of the misconduct of ministers. In that quarter ministers had no commanders to divide with them the responsibility; "Nihil praefectus, nihil cohors, nihil turma desumpsit." The blame must entirely rest betwixt earl Fitzwilliam and the cabinet in this country. As a man, he might have his partiality; but, as a lord of parliament, it was of no consequence to him where it should be found to attach. It was not the question, whether earl Fitzwilliam had acted rashly, precipitately, and if so, foolishly and wickedly, by holding out to the catholics terms which he was not authorized to grant; or whether he had been deluded by his new friends, and abandoned by his old. With a view to inquiry, it was of no consequence whether he had lent himself as the instrument of their delusion, or had been the dupe and the victim of their perfidy. The fact was certain, that misconduct had taken place, which might in its consequences be extremely hurtful, and which called for public reprobation on its authors. He did not apprehend that sort of danger of which others were apprehensive; he was not afraid of riot and insurrection in Ireland; he trusted to the good sense of the people to avert any such effects: but he was aware of the importance of that kingdom, in every point of view, to Great Britain. It had furnished not less than a third of the men for the service of the present war; and he feared that the effect of such treatment might be to alienate the affections of the Irish from this country, and prevent them from affording it assistance in future.—Having touched on these points, he should only remark that motions for inquiry had often been made on occasions much less important than the present, and had never in any instance been refused. The present was the most critical period that had ever occurred, and loudly called for an investigation of the present state, and the future resources, of the country. He concluded with moving, "That this House do resolve itself into a committee of the whole House, to take into consideration the State of the Nation."

The Earl of *Suffolk* said, that though unaccustomed to trouble their lordships, he had not been inattentive to the commencement of the war, the mode in which it had been carried on, and the consequences which had resulted from it. With regard to the military operations of the war, he agreed with the noble earl that they had been attended with very ill success; but when he allowed this, he must at the same time give his decided opinion, that better or braver exertions never had been made in any war, than his majesty's forces had shown upon every occasion. He therefore thought that the blame must be with those who conducted his majesty's councils. His opinion was, that we ought to desist from a continental war; or, if we must carry it on, that we ought to withdraw the British troops, subsidize the Emperor liberally, for which he must give not a nominal but an efficient support, and then let us confine our exertions to our naval strength, and the internal security of the country. When noble lords talked of the successes of France in different quarters, as conquests which her power and resources made inevitable, he could not agree with them: he saw no such power in France, nor any reason to dread it. Holland certainly could not be considered as a conquest; force was not necessary to attach her to France; on the contrary, the great majority of the people were previously disposed to favour French principles, and adopt her form of government; and where that was the case, it could not be called conquest. He admitted the dangerous crisis of the moment, and said, it called for the most vigorous exertion. Under such circumstances every man must cheerfully contribute to the public expense; for his part, he would readily give up one-half his fortune to secure the rest, and so, he doubted not, would every one of their lordships. He urged the necessity of preparation for the internal defence of the kingdom. It was a matter that ought to be attended to without delay. Three armies would at least be requisite for this object; one for the protection of each of our great dock-yards of Portsmouth and Plymouth, and a third to be stationed in the centre of the kingdom, ready to march wherever an attack was made; proper carriages capable of carrying ten or twelve men, so that the armies might move on the sudden without fatigue or delay, should be built immediately. Having fully explained his ideas upon this plan, his lordship recommended the appointment of a military committee, to inquire

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into the past conduct of the war, and the best means of carrying it on in future, if it must be continued.

Lord *Grenville* said, that repugnant as it was to his disposition to trouble the House with details, involving points which had often been discussed, he could not, with just regard to his situation as a member of that administration which had been so pointedly alluded to by the noble mover, give a silent vote. He would, however, promise the House not to detain them long; for although the speech of the noble mover contained much to do credit to his abilities, it had very little in it, he was sure, to induce the conversion of the House. No point of importance could he observe in it that had not been repeatedly discussed, and as often decisively determined by a large majority of their lordships—one only excepted. The point he alluded to was the present state of the sister kingdom, which the noble mover had described as being in a state of irritation and danger. He regretted, and he thought their lordships must all regret that the subject had been introduced in that House; for he was confident, that if that irritation or that danger did really exist in Ireland, or was to be apprehended, every true friend of this country must decide, that they should not be met with public discussion; for there was nothing more obvious to common sense, than that public discussion would produce increased irritation, additional dangers, and inconveniences incalculable. The House, therefore, would acquit him of neglecting his duty, or abandoning the question, though he declined the discussion of it at present. On the various points urged by the noble lord on that topic, he would therefore now be silent, and content himself with asserting, and pledging himself, when requisite, to prove, that whatever irritation, danger, or convulsion, might happen, if any such should occur, no part whatsoever of it could be attributed to his majesty's ministers on this side of the water.—He would now reply to the other general points on which the noble lord had founded his demand for an inquiry. The grounds on which the noble mover chiefly built his arguments were merely hypothetical presumptions of the ill success of the allies in the war, and of the difficulty of our situation: both said to have arisen either from misconduct in the administration of affairs, or some radical defect in the system of our government. He hoped their lordships would not refuse him their belief, when he declared, that he would be among the last men in the world to diminish or extenuate the real state of the country; more particularly if, as the noble mover asserted, that state was marked with the menacing features of danger and ruin. Such as the state of the country was, he wished it to be fully considered and amply discussed.—As to the result of the war, he insisted that there was not even *prima facie* presumption of its having been unsuccessful or ruinous on the part of Great Britain: he relied upon it, on the contrary, that it was successful and prosperous; and that, stated as relating to England only against France, all the ill success was on the part of the enemy. He called on the House, in deciding upon that point, to look to those parts of it which immediately applied to England individually: to look to the naval war; to look to the war as carried on in the colonies. Were any of our ports blocked up, or was our commerce destroyed? Could that be said to be the case with France? In the Mediterranean was not our naval superiority undisputed? Had not Toulon yielded to the imposing force of our arms? And though we could not retain that place, did not the taking of it give an irrecoverable crush to the navy of France, and enable us to destroy the chief arsenal of the enemy? Was not the British fleet even now riding at the mouth of Toulon, insulting that port, and intercepting its commerce, and did the French dare to hazard an engagement to save that commerce? The answers to those questions were obvious. In the Channel the superiority of our fleet to that of the enemy was acknowledged: of that their lordships had proofs of so irresistible a kind, as not to be encountered by assertion or argument—they had the evidence of their own recollection. Our superiority in the East and West-Indies was no less decided. —He confessed that our losses, in a commercial point of view, had been considerable; but still he contended, that great allowance should be made for the relative situation in which we stood with France, who, in point of fact, had no commerce to lose. Her views in the war were in that respect different from ours. The little commerce she possessed was abandoned by her, while we were obliged to send large squadrons to protect our convoys and cover our trade, scattered as it was over the whole face of the globe. It was no

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wonder then, that our commerce should suffer from a whole navy, which had nothing to defend, and of course nothing to distract its attention from depredation and pillage. But was it not an undeniable fact, that when compelled to run for shelter into one of their ports not fitted for their reception, they were blocked up there, and chose rather to run the hazard of bad harbours and other mischiefs, than risk the encountering of a squadron of our ships? In the East-Indies we had made ourselves masters of all their possessions without exception; and in the West-Indies there was but one island the French could call theirs: but he had not yet heard it asserted by the boldest vaunters of French successes, that we had lost an island, that we had a port blocked up, or that our fleets were in any instance constrained to skulk from the enemy.—On the continent, he admitted, the French had been greatly successful; but that very circumstance was an argument in favour of the doctrine held by administration, of the necessity of our interference; without which, it amounted to a certainty, that that inundation of armed furies would have over-run all Europe, and turned the scale still more against the interests of Great Britain, as well as of all the civilised world. What the event in that case would have been, it was impossible to tell distinctly—it must have been undoubted ruin; but to what extent who could ascertain? Their lordships would observe, that the system of warfare on which we acted, was that of distracting, as much as possible, the attention of the enemy, and thereby inducing her to divide her forces. This system was founded on common sense, and experience came in aid of common sense, to direct that diversion as the best mode of operation that could, in their circumstances, be pursued by the British forces.—The next allegation of the noble mover was, that ministers should have taken the alternative of two distinct objects, and made one or other the jut of the war. To encounter this, he would only remind the House, how repeatedly it had been decided, on ample deliberation, that this was a war of aggression against us. Unless their lordships, then, would depart from their former manifold decisions, this was conclusive. What became of the noble mover's arguments on that point? With respect to a war so commenced, we had no option in the choice of the object. Nothing could be our object but a secure and honourable peace.—As to the charge against ministers of misconduct to neutral nations, it was a subject delicate and difficult to discuss. He could assert, that the conduct of ministers to those nations was uniform and consistent. In a war which affected all governments, it was natural to endeavour to prevail on all nations to embark with them: it was their duty, when nations professed neutrality, to see that that neutrality was real and not partial, and to compel them to act upon the true spirit and principles of neutrality as laid down by the law of nations. If, however, the noble mover had taken the pains to inform himself fully on the subject, he would have found that there never happened a naval war without discussions of an embarrassing nature, with all the maritime nations, on the subject of neutrality. As to the concessions asserted to have been made to America, he could hardly, with propriety, speak of a treaty which, though signed, was not yet ratified. When that was done, he undertook, for himself and his colleagues, to show that it was fraught with mutual honour and advantage to both countries, and he declared, that he should always consider the conduct of the gentlemen, who carried on the negociation on the part of America, as highly honourable to them, marked as it was by temper, moderation, and good sense.—Lord Grenville then entered into a vindication of the measures of administration touching our alliances. The noble mover had said, that the empress of Russia, one of our allies, had carried on a negative war for us. Without making any remark on the sarcasm intended, he would observe, that the empress had served the confederacy effectually: she had shut her ports against the French, and had thereby done them most material injury. If this alliance had been omitted on our part, and the French by that omission had been permitted to avail themselves of the vast resources for their navy and army to be drawn from the Russian empire, the noble mover would probably be the very person who would declaim against the neglect of ministers, and move for an inquiry into their conduct.—He then drew a very favourable picture of the resources of Great Britain, and compared them with those of France, which he described as at the last stage of ruin, assignats being now at 80 per cent. discount; so that for every 20*l.* they actually paid 100*l.* and thus they

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were bringing their resources with accelerated rapidity to dissolution; while the commerce of Great Britain, greater than it was at any period of peace (two years only excepted) gave new vigour to our resources, and was an inexhaustible fund for the support of a war that was necessary for the honour and security of Great Britain.

The Marquis of *Lansdown* said, that for some years past the energy of parliament appeared to have been greatly on the decline. Until the year 1721, there was no instance of ministers refusing copies of the instructions given to commanders, or an account of the disposition of forces, if called for by either House of Parliament. Would their lordships now show that they considered themselves as sent thither to pass turnpike bills, or to vote away the public money, as ministers directed, without inquiring into the application of that money? Such was now the decay of the energy of parliament, that he feared it could never be recovered, but by some great and important renovation in the constitution of it; a renovation which he sincerely wished they might not have forced upon them in times of trouble and combustion. The noble lord who made the motion, had opened it so largely, as to give every one of their lordships an opportunity of voting for the committee, although they might differ from the mover, as to the particular grounds of their vote. The noble secretary of state had allowed, that many of the points were fit subjects of discussion, more especially the probability of success in continuing the war. Last year, according to the noble secretary's then arguments, the war was all a continental war: now it was almost entirely an English war. This was a distinction with respect to which it was important for their lordships to inform themselves, and that they could not do if they rejected inquiry. Our allies appeared to be allies only for the purpose of taking our money. The king of Prussia acted only with a view to his own interests. The army of Austria was in want of every thing, and incapable of acting, but in as far as we should pay. The noble secretary saw hopes of more substantial aid from Russia than prayers and manifestoes. Whence those hopes originated he could not tell; but it was not wonderful that Russia should begin to think of forming more intimate connexions when she saw herself threatened with an alliance of all Europe against her, to oppose the exorbitant growth of her power. The liberty of Europe depended upon the independence of Germany. It had always been the ancient policy of France, to maintain that independence, by supporting the weaker states against the strong. What was now the situation of Germany, surrounded as it was, and hemmed in on all sides, by the great powers of France, Austria, Russia, and Prussia? France was still disposed to assist in defending the independence of Germany; and it was an argument fitter for porters than men sitting in a cabinet, to maintain that this disposition in France was to be checked and counteracted, on account of the objections we might have to her internal government. Was it wise, was it the conduct of statesmen, to endeavour to make France enter into the spirit of partition, and purchase the tacit assent of other powers to making conquests, by conniving at theirs? Prussia being a state whose power depended on artificial means, it was to be expected that he, upon all occasions, should think only of his own particular interests; and that he should avail himself of our money in pursuing those interests, if we would insist upon cramming it down his throat. Austria had the opportunity of negociating with France with us in her pocket. She could say to France, "England is so bent upon the prosecution of the war, that from England I can when I please have my own terms. What have you to offer as an equivalent for my renouncing the connexion with England?" Thus, for our allies, we were to take the leavings of every other power, or to be left to contend against the colossal power of France alone.—Much stress had been laid upon our success in the naval part of the war, the protection afforded to, and the increase of our trade. The fair criterion of this success and this protection was the rate of insurance. It was a fact, that so much had the credit of private underwriters been affected by losses, that merchants preferred giving 10 per cent. to insurance companies, to giving 7 to individual underwriters. It was a fact that 25 guineas premium had been refused for a voyage to Jamaica. For near eight months our trade to Bilboa, a trade doubly valuable, because it took off our cloth and returned us wool, had been totally at a stand. Were these substantial proofs of the successes of our navy? Look at the North Seas. On Sa-

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turday last the merchants had been more than seventy days without returns of correspondence, which, under other circumstances, might have been received in eight. In the West Indies, Martinique, Guadaloupe, St. Lucia, had been taken by the ability and zeal of two gallant officers, over whose merit it was now thought proper to draw a veil, as if they had performed no services at all, because what they had had the zeal and abilities to take, ministers had not the skill to defend. Of these Martinico alone remained. In St. Domingo we could not pretend to say that we had made any permanent conquest: the remnant of the few troops we had sent thither were most probably before this time withdrawn. For the whole of the West Indies 20,000 men would be required, and at present we had not 6,000.—If their lordships would go into the inquiry, they would find that such only of our manufactures had flourished as were called for by the war, and paid for with our own money, while all that used to be taken off by foreign trade were either totally at a stand or had lamentably declined. As our still remaining manufactures were supported only by the war, so was much of our still remaining commerce. This country, in consequence of the peculiar circumstances of the war, had become in a great degree the depot of commercial property, which, on the restoration of peace, would quickly flow back to its former channels. The taxes of the year were proofs of the difficulties to which we were reduced. The taxes on wine, on tea, on spirits, could only be productive until the revival of smuggling, which experience had shown increase of taxes on those articles beyond a certain amount must always produce.—But, it seemed, ministers had new projects for carrying on the war. They were to invade France; not to co-operate with the royalists in La Vendée, for they were no more, but to aid the Chouans in Brittany. Shame upon such a project, whoever entertained it! Who did not know that Brittany was the Wales of France? Much better would it be to negociate with France for the restoration of the emigrants; or, if that could not be, to give them half a million or a million of money, as we had given to the American loyalists — not as rivals to France, but as men to men.—The conduct of ministers with respect to Ireland, was such as to invite an attack upon that country; and then they told their lordships, that the affairs of Ireland were too delicate to be inquired into. If he saw reason to apprehend a civil war; if he saw troops transporting from place to place, and regiments changed for other regiments that were thought more to be depended upon to enforce the measures of government; was he not to inquire what were those measures, and what the conduct or misconduct which had produced a state of things so alarming? If there was any people more to be led and less to be driven than another, it was the people of Ireland. He was old enough to have opposed the first measures which led to the fatal necessity of force in America. Neither for England, nor for Ireland was the system of force better calculated than for America. That great minister, sir Robert Walpole—a great minister he was, and, although educated with many prejudices against him, ever since he had examined his character more particularly, he believed an honest minister — prescribed open, pacific, conciliating measures for Ireland, but never soldiers. It was impossible for earl Fitzwilliam to have acted without instructions from ministers, and therefore it was the more necessary that the nation should know at whose door the blame of all the irritation and ill-blood that had been excited on the other side of St. George's Channel, should be laid. He should not have slept if he had omitted calling their lordships attention particularly to this most important subject. Of all the misfortunes of this successful war, as they were pleased to call it, the greatest perhaps was, that ministers always misjudged the character of the people with whom they had to deal. They had misjudged the character of the people of America, and imagined that they were to be bullied into submission by injury and insult. The people of America were wise enough to see our folly, and moderate enough not to be so ready to take offence as we were to offer it. They knew that moderation and firmness must obtain the advantage over inconsiderate folly, and they were not deceived. He hoped the people of Ireland would imitate the example of the people of America, and not suffer themselves to be irritated, convinced that the peevishness, passion, or prejudice of any ministry, must yield in the end to the temperate and united wishes of a nation. The Catholics of Ireland had shown great wisdom on many

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former occasions; and having in part, reaped the fruits of it, they would not, he trusted, suffer it to forsake them on the present trying occasion. Ministers had misjudged the character of the people of France, and every plan founded on their conception of that character had failed; they had misjudged the character of the people of Holland, forced them into a war against their inclination, and Holland was lost. He much feared they were now likely to misjudge the character of the people of this country. He was far from saying that France was not distressed; she certainly was to a great degree, and anxiously desired peace; but it was idle to imagine that, with all this desire of peace, the French would truckle for it in the hour of victory, or purchase it at the price of surrendering all the conquests they had made. Some Americans lately come from Paris had, it was said, reported that the Abbé Syeyes had ventured to make a speech against conquests, and in favour of peace, which was so much applauded that he was very soon after elected into the Committee of Public Safety. Syeyes, although not a diplomatic man, nor a minister, was a man of high character for abilities, and his counsels were supposed to have had a great influence on the various events of the revolution; and this report, if true, was no inconsiderable matter previous to the opening of a campaign, the issue of which could not be good, and the evil of which no man could calculate. It remained to be seen, when so many grounds for inquiry unfortunately existed, whether ministers would make a new precedent, and refuse an inquiry, for no reason, but because inquiry was necessary.

The Duke of *Richmond* said, that having formerly brought forward a motion of inquiry,* he felt himself called upon to state his reasons for opposing a similar motion now. The war respecting which he moved to inquire was founded on principles radically wrong. The present war was founded on principles perfectly right, on the protection of property, on the existence of civil society; it was in fact a defensive war. Into the conduct of the war an inquiry might take place at the proper time. When that time arrived it would be found that the conduct of a noble lord, lately at the head of the admiralty, far from deserving blame, had been meritorious. He could not, however, agree that the war had been fortunate. It had ever been his opinion, that the less we had to do with continental connexions the better. Experience, however, had proved, that the existence of Holland as a friend was essential to the interests of this country. At the end of last war, an able minister sent to the Hague had brought back Holland to the right line of politics. While Holland was our friend we could turn all our attention to the Westward. When Holland was our enemy it was extremely difficult to provide sufficiently for defence to the Eastward, and to collect sufficient force at the same time for the necessary operations to the Westward. He had opposed the motions for peace; but he would not have opposed a distinct motion against the connexions we had entered into for carrying on the war. Austria had actually abandoned us in the middle of the campaign; and the Austrian army would not delay its retreat a single day to enable us to save our stores. If the war had been a naval war, we should have stood upon high ground, and possessed great influence with every power in Europe. It might be said, that our interference on the continent had not impeded our naval exertions; but this could not be strictly true. Our attention had been distracted, and the immense transport service alone had employed a great number of our seamen, which might otherwise have manned ships of war. The object was now the defence of Great Britain, which was to be secured by augmenting our navy, not by giving immense loans to Austria. The inclination of the French to make peace must appear in an unquestionable shape, before any reliance could be placed upon it. Much of the language held in that House, served only to encourage them to persevere in the war. Had they yet made any overtures of peace? Or was it safe to make peace with them while they were in possession of the Netherlands and of Holland? As the inquiry could serve only to embarrass the executive government, at a time when the most free and unembarrassed exertion was necessary, he could not agree to it.

The Duke of *Bedford* said, that if there had not been error in the principles upon which the war was entered into, there must have been want of ability in the mode of conducting it. It was the duty

* See Vol. 19, p. 1014.

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of that House to discover the source of so many miscarriages, to teach ministers to act better if they had been in error, or, if they were wilfully perverse and incapable, to address his majesty for their removal. Ministers claimed great merit for the manner in which they had negociated with America, although all they seemed entitled to was, that having found the attempt to bully America fruitless, they had not been quite so absurd as to persevere in it. If we had destroyed the naval force of the enemy to such a degree as they represented, whence arose the unprecedented high price of insurance? If we had taken the French colonies in the West-Indies, why were we not able to keep them? To all these points the noble secretary of state had answered nothing. He had only attempted to prove, that if things with us were bad, with the French they were worse. It had been admitted, however that France was beginning to correct her errors. Would to God England would do so too. Even the friends of ministers ought to vote for the inquiry, as the surest and most dignified mode of wiping away the imputations upon their conduct, and giving confidence to the public in their future operations, If there were discontents at home; if there were such seeds of disaffection as had been made the pretext for suspending one of the most essential guards of the liberty of the subject, an honest inquiry into the cause of our disasters was the most effectual means of crushing them. Let their lordships prove that they were alive to the interests and the feelings of the people, and they would exert a much stronger engine for securing internal peace than axes or scaffolds. It was impossible for them, in justice, in equity, or in prudence to reject the motion of his noble friend.

Lord *Hay* said, that nothing he had heard in favour of the motion had satisfied him, that the advantages resulting from such an inquiry would counterbalance the evils that it would necessarily produce.

The Duke of *Grafton* said, that the fair conclusion from the different points of view in which their lordships saw the same things, was, that they ought to go into the inquiry. Under such circumstances there was no instance of refusing an inquiry. It was the especial duty of that House to watch that in the executive government there was neither delinquency nor want of ability. If in times of disaster, they sat supine, they would betray their trust.

Lord *Sydney* said, he wished earnestly for peace, but must oppose the motion, as tending to weaken us in continuing the war, and not to strengthen us in negociation. Peace depended upon the French, and might be restored to Europe, whenever they thought fit to offer it upon safe and reasonable terms.

The Earl of *Mansfield* said, that the sole question for consideration was, whether going into a committee of inquiry would contribute to the great end, to which the House was already pledged? Their lordships had declared a vigorous prosecution of the war to be necessary: and was it befitting their wisdom to adopt a measure, which would not only impede the vigorous prosecution of the war, but counteract negociation, if negociation were practicable? The noble mover in stating the two modes of conducting the war, one or other of which ministers ought to have adopted, had forgotten that the war was defensive. For the sake of argument, he would admit that the finances of France were flourishing, that the distresses of war were not felt by the people, and that the *vivida vis* of their republican principles surmounted every difficulty; but all these were only additional reasons for increased exertion on our part. He would prefer a direct motion for the removal of ministers to this indirect mode of aiming at the same object. The removal from office of this or that set of men might be of little consequence to a country, but there was infinite mischief in a change of system, and miserable would be the condition of these kingdoms, if the conduct of affairs were committed to those who saw no hope of safety but in an immediate peace.

The Earl of *Lauderdale* said, that when no precedent for refusing such an inquiry could be found, when the times were such as to call for inquiry more imperiously than at any former period, he did not imagine that ministers would have dared to meet it with a direct negative. Their mode of arguing was no less extraordinary. They talked of their successes when every man who recollected the conquests France had made, must treat such vapouring with derision. Would they not be happy to bring back the French within their former limits, at the price of all their boasted successes? Did they imagine that France would consent to re-

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linquish her conquests, on condition of having every thing restored to her that she had lost? Sir Gilbert Elliot had said, that our allies were the human race; the secretary of state had said, that our wealth was the wealth of the world; and thus, according to them, with allies innumerable, and wealth inexhaustible, we were successfully fighting for the existence of society. On the naval success of lord Howe every man must reflect with gratitude and exultation. But how had that glorious victory been improved? What the skill and valour of our navy had put into our hands, the unaccountable mismanagement of ministers had contrived to throw away. Ministers knew that the French gave a very different account of that victory from ours. They said, that although the accidental circumstances of weather had enabled us to take possession of some of their crippled ships, yet that our fleet had received such damage in the action, as to require much time before it could again be fit for sea. Was our fleet equipped with such dispatch as to contradict this assertion? Was it not unaccountably detained in port, while French squadrons were preying upon our trade in every quarter? So deficient were ministers in foresight, that in November, or December last, an order was given for cutting down 64 gun ships to frigates; and in February another order for converting Indiamen into sixty-fours. They could not even imagine the possibility of Holland being soon in the possession of the French, or recollect that in such an event sixty-fours would be the fittest ships to oppose to the Dutch navy, on the Dutch coast. The present and late first lord of the admiralty might compare notes upon the subject, for there did not appear to be much difference in their modes of conducting the navy. His lordship dwelt particularly on the state into which Ireland had been thrown, which, whether owing to the rashness of one member of the cabinet or the duplicity of ministers called equally for examination. Promises had been made to the people of Ireland, and measures brought into the Irish parliament, without any hint of disapprobation on the part of the British cabinet. Under the delusion that these measures were to be carried into effect, the people of Ireland were swindled out of their money, as completely as any man of whom money was obtained under false pretences. Were ministers aware of the disposition of the people in Ireland? Last summer the mail-coach was robbed in the south of Ireland; every letter was put into the neighbouring post-offices unopened; nothing but the newspapers were kept, and the people assembled in crowds to hear those papers read to them. Their lordships might judge of the eagerness for information, when a capital felony was committed to obtain it: a disposition which cherished and conciliated, the people might be turned to the most beneficial ends; but which nothing could be more dangerous than to thwart and irritate. He concluded by recommending their lordships to vote for the motion.

Earl *Spencer* said, that a packet boat might have been lost or captured; he could only say, that the admiralty had received no intelligence of any such event. The circumstance of letters not having been received from Hamburgh for such a length of time, could not be ascribed as matter of blame to the admiralty. He objected to the proposed inquiry as leading to discussions that would be exceedingly detrimental to the public interest; but, whenever the particular business of Ireland should be brought forward, he had no doubt that he should be able completely to vindicate the share which he had in that transaction.

The Duke of *Norfolk* said, that there were circumstances at the present critical period that made it his duty to support the inquiry proposed. When he considered that a person had been sent to Ireland who was not more conspicuous from his rank and fortune, than distinguished for his public and private virtues; when he saw such a person beginning his administration in such a manner as to conciliate the affections, and promote the happiness and interests of the two countries; and almost immediately saw that person recalled, he certainly thought that something must be wrong, and that there was strong ground for inquiry. The emancipation of the Catholics, to the full extent brought forward by Mr. Grattan, he considered to be a measure that ought to be insisted upon and completed. The motion he thought absolutely necessary, and should certainly vote for it.

The House divided: Not-Contents, 83; Proxies, 21—104: Contents, 13; Proxies, 1—14; Majority against the motion 90.

Proceedings in the Commons relative to Sir Benjamin Hammet—Abuse of the Pri-

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vilege of Franking.] March 30. General Tarleton, after observing, that the name of sir Benjamin Hammet, a member of this House, appeared in the list of the members, who, in consequence of bodily infirmity, have appointed some other person to frank their letters, moved "That sir Benjamin Hammet do attend this House in his place, upon the 10th of April."—Ordered.

April 10. The order of the day being read for the attendance of sir Benjamin Hammet in his place, general Tarleton moved, that the return which had been laid before the House from the post office, stating that sir Benjamin Hammet had delegated his privilege of franking to his son on account of his ill-health, in the year 1793, might be read: which being done, the general then moved that sir Benjamin be heard in his place.

Sir *Benjamin Hammet* said, he had certainly delegated his privilege to his son, and he did it because his health was in so precarious a state that he could not attend to business. He could produce to the House the evidence of most respectable medical gentlemen to prove the general ill state of his health. [He here read two letters from his physician and apothecary]. It was true that, at intervals, he was much better, but he did not conceive it necessary to retract the delegation he had given, more especially as he had never franked a letter while his son enjoyed that privilege. He had made some inquiries upon the subject, particularly at the post-office, and the result satisfied him that his conduct had been regular. He assured the House, that he was this very morning uncertain whether he should be able to attend the House from illness. He hoped, therefore, gentlemen would take his case into their consideration, and protect him from persecution. No man could be more anxious to preserve the privileges of the House than he was, and if it should be their opinion that he had acted wrong in not resuming his privilege, he could only say, he was extremely sorry for it, and begged pardon of the House. The anxiety he had suffered since the honourable general had made his motion was inconceivable; and he should conclude with once more recommending his honour and his character to the protection of the House. —Sir Benjamin then withdrew.

General *Tarleton* rose and stated, that it was now their duty to decide upon the motion which he should submit to them. It was palpable that there was either a mistake or a misuse in the exercise of the privilege of franking. The act said, that nothing but bodily infirmity shall justify the deputation of it to another; but in the present instance the hon. member was not less capable of franking for himself than other members were. It was certain that abuses had existed to an enormous extent. In times like the present, it was peculiarly incumbent on them to defend the dignity of that House, and, by the wholesome correction of abuses to hold up its respectability in the eyes of the people. Upon these grounds it was, that he moved "that it appears to this House, that sir Benjamin Hammet has deputed a person to exercise the privilege of franking for him, not being in such a state of bodily infirmity as to entitle him to take advantage of the clause in the said act for that purpose, and that he has delegated that trust, for two years to his son."

Mr. *Ryder* asked, where were the facts by which the charge contained in the resolution was established? From the paper on the table it only appeared that sir Benjamin had delegated the exercise of his privilege to another; it did not appear that when he had so delegated it, he was in a capacity of exercising it himself. The charge, then, was merely founded upon the idea that he had continued the delegation at a time when he was qualified to resume his privilege. Sir Benjamin had certainly admitted that he had enjoyed intervals of health, but these were of short continuance. To make out the charge it would be necessary to prove that he had still continued to exercise his privilege, after having delegated it to his son. As to the charge that the delegated privilege had been abused, in point of the extent to which it was carried, that had not been substantiated by proof. Upon the whole, he thought that the charge was frivolous, and he should therefore move "That the other orders of the day be now read."

Mr. *Grey* said, this certainly was a question, on which, as particularly affecting an individual member of the House, no person could speak without unpleasant sensations. At the same time, the question having been started, he thought that if the House acted with a proper sense of their own dignity, or regard to their privileges, they were bound to entertain the discussion. The privilege of franking had

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been given to members not to be applied to their own individual interests, but to cover the expense of that correspondence which they were obliged to carry on in their public capacity. It was provided, that in case of infirmity, a member might be allowed to delegate his privilege to another, for the same purpose. But if there was ground of suspicion that a member, not being in that state of infirmity, had yet delegated it to another, who had applied it to an enormous extent, for commercial and other purposes, that surely was a case which called for the attention of the House. Though he therefore did not feel himself justified in assenting to the resolution, he should, however, propose, that the House should go into an inquiry, in order to obtain proper documents upon the subject. The hon. gentleman had produced letters from his physician and apothecary, stating that he was not in a state of health which qualified him to carry on business. Was the privilege of franking given to members, to be applied to the purposes of business?

Alderman *Newnham* declared, that to his knowledge, sir Benjamin, at the time of deputing his son to frank for him, was totally unable to do so himself. If he had not resumed, it was because he was so frequently incapable of franking himself, and had not conceived himself wrong in continuing it. At all events, if he had done wrong, he had apologized for it. He should be glad to know, whether all other gentlemen had confined themselves strictly to the constitutional object for which the privilege of franking was allowed. For himself, he would own he had not, nor did he believe any one had: there were members who had delegated the privileges of franking to their wives, daughters, and other ladies occasionally, and he saw no greater offence in one case than in the other.

Mr. *Crickett* stated, that he had known sir Benjamin for several years; that his health for some years past had been very precarious, so much so, as totally to prevent him at times from the power of franking. This he stated as a matter of justice. He should therefore vote for the order of the day.

The *Master of the Rolls* said, that he by no means thought the motion frivolous. On the contrary, he was of opinion that the hon. mover deserved the thanks of the House for having brought it forward. Nevertheless he should support the motion for the order of the day, because he thought, that as the business stood at present, the House could not with propriety proceed farther on it now. The hon. general had not produced evidence which was sufficient to ground upon it the adoption of the motion he had brought forward. At the same time he did not think the hon. baronet had exculpated himself so clearly as might be wished. He had, however, assured the House, that he had not offended intentionally. The chief part of the charges alleged against the hon. baronet was, his having continued the delegation of his privilege to his son, at a time when his state of health did not require it. This he apprehended, arose from a wish not to give too much trouble to the post office, as he knew that the returns of his indisposition were very frequent, and as it appeared that only his son was employed in franking, he thought, when the abuse was on the point of being effectually put a stop to, there was no occasion for the House to take any more notice of the matter.

Mr. *Joddrell* said, that as he should not deem it consistent with the character and dignity of the House, that an idea should go abroad that the privilege of franking, granted to the members, for the honour and advantage of their constituents, had been diverted to other purposes, without proper animadversion, he should vote for the original motion.

The question being put, "That the other orders of the day be now read," the House divided:

Tellers.

Yeas	Mr. Ryder - - - Mr. Hobart - - - -	59
Noes.	General Tarleton - - Mr. Sturt - - - -	27

So it was resolved in the affirmative.

Debate in the Commons on a Motion for a Monument to the Memory of Captain Faulknor.] April 14. General *Smith* said, that he rose to make a motion to which he conceived there could not be the smallest opposition. He must own indeed, he was rather surprised, to understand that some difficulty was entertained with respect to the proposition which he meant to bring forward, as not being sanctioned by any precedent. He should have thought that it would only have been necessary to leave the decision to the justice of the House. They could

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not, within the space of three short months, have forgotten the distinguished merits, and gallant services of the brave officer, to whose memory he now proposed to erect a monument. Here general Smith entered into a recital of the conduct of captain Faulknor on different occasions, particularly the action in which he lost his life. Many for exertions less meritorious had received the greatest rewards, and been elevated to the highest honours. He quoted the instance of the liberal provision which had been made for the numerous family of captain Farmer, and concluded with moving, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that a Monument be erected in the collegiate church of Saint Peter, at Westminster, to the memory of captain Faulknor, who commanded his majesty's frigate Blanche, and who fell gloriously on the 5th of January 1795, in an action with the French frigate La Pique, which was captured; and to assure his majesty, that this House will make good the expense attending the same."

Mr. *Grey* rose to second the motion. If, indeed, there was some difficulty entertained on the present occasion, with respect to precedent, this was a case, in which, of all others, precedent might be dispensed with. A tribute of national respect and gratitude was due to captain Faulknor, not merely for his behaviour in the action in which he fell, but for a long series of gallant services in the course of a life, which, though short, was not less illustrious from the number and brilliancy of his achievements. He was the admiration of all who knew him, and in an expedition which was distinguished by military enterprise and conduct, had signalized himself beyond his peers. Mr. Grey here entered into a recital of the particulars of his conduct on different occasions. He trusted, that on this motion to erect a monument to the memory of an officer, who after having rendered the most eminent services to his country, had fallen covered with glory, there would not be one dissentient voice, but that all would cheerfully concur in paying a tribute not less honourable to him, whose merits it was intended to commemorate, than it would be serviceable to the nation, by inspiring in others an emulation of his virtues. Mr. Grey adduced the instance of the monument erected at the public expense, in consequence of a vote of parliament, to the memory of the earl of Chatham, to prove that the House had not always felt it necessary to govern itself by the narrow rule of general precedent.

Mr. *Windham* [Secretary at War] said, that he felt himself placed in an unpleasant situation, in being obliged to oppose the motion; the more so, from the ardour with which it had been brought forward, and which might give to his opposition the appearance of some difference in opinion or in feeling. No, man, however, was more ready than himself to allow, that no actions could have been more brilliant, and no life more illustrious, than those of captain Faulknor. But the rule hitherto in usage was in opposition to the motion now proposed, and forbad them to give way to their feelings on the present occasion. What, he asked, had formerly been the case with respect to captains Gardener, and Courtenay, who had both fallen gloriously in the service of their country? Neither of those officers, had any public monument erected to their memory. The rule had been only to erect monuments to those officers who fell in great and general actions, though the merit of those who perished in separate actions might be equally, and perhaps even more distinguished. Honours must go either by rule, or by discretion. If the principle was to be extended, why should not lieutenants and midshipmen, who signalized themselves, come in for a share of the same distinctions? What he, then, objected to in the present instance was, that the claims of individuals should be brought forward in that House for separate discussion. It was not true with respect to honour as with respect to all other good, that it became improved in proportion as it was more extensively communicated. In order to get rid of the motion in the most respectful way, he said, he would move, "That the other orders of the day be now read."

Mr. *Fox* said, he should have thought it wise, reasonable, and just, to have at once assented to a motion founded on the ground of extraordinary merit. The right hon. gentleman had, however, thought proper to answer it by a long story of a rule which no where appeared. The right hon. gentleman had laid down a very true principle, that honours did not become more valuable in proportion

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as they were lavishly bestowed; and he wished it had been more attended to in the distribution of the votes of thanks of last session. But, would the honour of any of the British heroes be tarnished by having the monument of captain Faulknor placed next to theirs? Would not the catalogue rather receive fresh splendor from the addition of so illustrious a name? When the right hon. gentleman laid so much stress on precedents, was he afraid that the precedents for conferring honours on such extraordinary merit might become too numerous? He was sure there was no precedent in which such a motion as the present had been brought forward and refused, and he trusted that the House on the present occasion would attend to the dictates of their own feelings and the national honour, rather than to the authority of the right hon. gentleman.

Mr. *Ryder* defended the secretary at war, but expressed his wish that a resolution might be drawn up, stating the reason why the motion was negatived, that there might be no room to suspect that there was any difference of opinion as to the merits of captain Faulknor.

Sir *W. Pulteney* said, that this was not a question of precedent, but a question of feeling; and the only point for consideration was, whether captain Faulknor did not merit the honour which it was proposed to pay to his memory. The effusions of respect and gratitude, called forth by extraordinary exertions in the service of the country, were equally creditable to the parties and to themselves. Were they to be fettered by rules and by precedents? No; it was impossible to restrain the feelings of men. It had been said that there existed a rule by which the House were precluded from granting such honours to any officer standing in the situation of captain Faulknor. In the first place, the right hon. gentleman had not proved that any such rule existed, and even if it did, he should contend that it was a bad rule, and ought to be rescinded. He was always of opinion that the House was much too niggardly in bestowing honours, which appeared to him equally impolitic and unjust. In other countries, any extraordinary act of skill or bravery was constantly rewarded with preferment; in this nothing could obtain promotion but seniority or money. This practice greatly injured our service, for it induced officers to have recourse to other means to obtain preferment, instead of seeking it by signalizing their courage.

After some explanation, Mr. Windham professed his readiness to withdraw his motion for the order of the day, if some mode could be found of adjourning the original motion, in order to search for precedents. The question was then put, that the other orders of the day be now read, and negatived without a division. Mr. Windham next moved, "That the debate be adjourned till Monday next."

Mr. *Fox* declared, that after attending to all that had been said of rule and precedent, he must reprobate in the strongest terms the motion now made; a motion which he would venture to say, was one of the most indecent, irregular, and disgraceful, that could have been made in that House. He wished to ask, on the subject of rules and precedents, by what rule or by what precedent they were to estimate the merits of officers who had distinguished themselves in an extraordinary manner? How could similar services be compared? And how could rules be made to direct and regulate the feelings of men upon such a subject? In his opinion it was impossible, and he hoped he should hear no more of that sort of argument—a sort of argument which, he would venture to say, never had been used in that House before, and one that he never imagined could have been urged against the motion of his hon. friend. But when the conduct of captain Faulknor was admitted and known to them all, to be as gallant, as heroic, and as meritorious, as any that the page of history could boast of, it must seem rather extraordinary, that upon so extraordinary an occasion, a motion should be made for a committee to search for precedents, as if that committee could search into the minds of the House and the minds of the public, for the degree of honour the country had reaped from the conduct of a brave officer, the degree of gratitude which his country owed him for his services, or the degree of warmth with which that House ought to express their feelings on such a case. His hon. friend had very properly brought forward the instance of the earl of Chatham. Did it enter the head of any man at that time to talk of rules and precedents for granting rewards and honours so justly merited? Certainly not: and the case was somewhat similar, even upon the arguments of the right hon.

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gentleman who wished to search for precedents; for though there had been many able and good ministers, whose services had passed unnoticed by monuments yet that sort of negative rule was not even started, nor did he believe there was a man at the time that could have thought of it. As to getting rid of the original motion, he was extremely sorry that any such idea had ever been entertained: but of all modes that could have been adopted that of appointing a committee to search for precedents was the most unworthy and disgraceful. This committee were to tell them, he supposed, what their feelings ought to be with respect to the merits of brave men, and what feelings were necessary to constitute a wish to express a sense of gratitude, either by honours or rewards, for services performed to the public. To decide upon the original motion, was the only way to do justice to such a case. And if they did not, and went into this committee of inquiry, he wished to know how the result would affect the House. Upon the much-argued point of rule and precedent, he would say once for all, that he knew of no such rule as had been alluded to, and he even denied that any such existed. If it did, it never had been stated. In the case of the earl of Chatham,* the House had, much to their credit, gone greatly farther than voting a monument to his memory; they amply and liberally provided for his family, and, small as the share he had in that transaction, there was no vote he had ever given that afforded him more satisfaction. What was the conduct of the House upon that occasion? Did any body think of searching for precedents? No; the only precedent mentioned was that of the duke of Marlborough; but in his case it was because he had been a successful general, and by his victories had essentially served his country; the House of Commons, however, did not look to this as a rule or precedent, but considering that the earl of Chatham had likewise rendered essential services to the state, were unanimously of opinion, that all who equally promoted the interests of the nation were equally entitled to the honours and rewards which their services merited. He exhorted the House to support the original motion.

Mr. *Windham* said, he must contend and insist, that in all former times our ancestors had been guided by some rule and precedent. The question therefore was not whether that was a good or a bad rule, but whether it would not be wise to follow the line chalked out by those who had gone before them. Some gentlemen had despised negative rules, but he really thought a negative rule might be as strong as an affirmative rule. With regard to lord Chatham, there were few or no instances of statesmen being rewarded in that manner then, but instances of good and gallant conduct in officers happened daily. He considered his motion as prudent and necessary, and denied that the delay could be disgraceful to the House or dishonourable to the memory of captain Faulknor, whether the result of the inquiry turned out that the object of the motion ought to be granted or refused.

The question being put, "That the debate be adjourned till Monday next," the House divided:

Tellers.

Yeas	Mr. Secretary at War -	25
	Mr. Ryder - - - -	
Noes	General Smith - - -	29
	Mr. Grey - - - -	

So it passed in the negative. The original motion was then agreed to.

The King's Message respecting an Establishment for the Prince and Princess of Wales.] April 27. Mr. Pitt presented the following Message from his Majesty:

"George *R.*

"His Majesty relies on the liberality and affection of his faithful Commons, and on the cordial interest which they have manifested in the happy event of the nuptials of the Prince and Princess of Wales, that they will be ready to concur in such provision as they may judge necessary to enable his majesty to settle an establishment for the Prince and Princess suited to their rank and dignity.

"On an occasion, in all other respects so satisfactory, his majesty feels the deepest regret in being under the necessity of communicating to the House, that the benefit of any settlement, to be now made, cannot be effectually secured to the Prince of Wales without providing the means of freeing him from incumbrances to a large amount, to which he is now subject.

"Anxious as his majesty must necessarily be, particularly under the present circum-

* See Vol. 19, p. 1224.

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stances, to relieve the Prince of Wales from these difficulties, his majesty entertains no idea of proposing to his parliament to make any provision for this object otherwise than by the application of a part of the income which may be settled on the Prince; but he earnestly recommends it to the House, to consider of the propriety of thus providing for the gradual discharge of these incumbrances, by appropriating and securing, for a given term the revenues arising from the duchy of Cornwall, together with a proportion of the Prince's other annual income; and his majesty will be ready and desirous to concur in any provisions, which the wisdom of parliament may suggest for the purpose of establishing a regular and punctual order of payment in the Prince's future expenditure, and of guarding against the possibility of the Prince being again involved in so painful and embarrassing a situation. G. *R.*"

Mr. Pitt then moved, that this Message be referred to a committee of the whole House. Colonel Stanley desired, that his majesty's Message of the 21st May 1787 might be read; together with the Address of the House in answer thereto. The same being read,*

Colonel *Stanley* said, that parliament having already very liberally come forward to pay the debts of his Royal Highness he thought a call of the House ought to take place. He wished the establishment of his Royal Highness should be as splendid as possible; but he would leave it to his own feelings, whether in the distressed state of the country, without inquiry and due deliberation, he could again expect that House to discharge his debts. In all points of view, therefore a call of the House appeared to him to be necessary.

Mr. *Pitt* hoped the hon. gentleman would not press the motion for a call of the House. He did not wish to disguise the importance of the subject; nor did he mean to disguise his regret, as to the occasion which called for their deliberation. It was evident from the Message, that his majesty's intimation went not to the length of requiring a specific sum to be advanced for the present, in order to discharge the principal of the debts of his Royal Highness. It was only to set apart a certain portion of that income which might be granted by parliament, to the gradual discharge of those debts. Whatever, therefore, parliament, out of their liberality, might be disposed to grant, was to be applied to free his Royal Highness from the demands of his creditors, a circumstance the most essential to the real splendor and dignity of his Royal Highness. If parliament were to grant an income to his Royal Highness, for the purpose of supporting that dignity and splendor, the first step certainly ought to be to enable him to remove from his affairs all clogs and embarrassments. If it was the desire of the House that this should be done, they would reflect that it could not be done effectually, except by enabling him to allot out of his income a certain part, as much as might appear necessary for that purpose. If it should be found that the whole sum which should be proposed for the establishment of his Royal Highness, was no more than the House would have been disposed to grant him if his debts had never existed, in order to support his household, and to maintain his dignity, he trusted that the feelings of gentlemen would be fully satisfied. When he looked at the grants made to the prince of Wales, the grandfather of his present Royal Highness, at a time when the scale of expense was not in any respect so high as it was at present, he owned, at the same time that he lamented the necessity of the occasion, that the sum to be proposed for his Royal Highness now must be comparatively small. It would be but little more than had been granted to his grandfather. The House was under the unfortunate necessity of either determining to leave his Royal Highness without relief, or adopting the mode now proposed: and under all the circumstances, he trusted they would not be much inclined to narrow the amount. He now moved, "That this Message be taken into consideration on this day se'nnight." This question being put,

Mr. *Grey* said, that a more important subject could hardly come under the consideration of that House. This was the second application to parliament to pay the debts of his Royal Highness, and that, too, after a solemn promise had been made that no future debt should be incurred. The right hon. gentleman had treated this as an additional income to his Royal Highness. Now, he must say, that let it be done in what shape it might, it was in substance neither more nor less than a provision from parliament to pay the debts of the Prince of Wales: and he thought there could not be a more improper mode of

* See Vol. 26, p. 1207.

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doing it than that of adopting a plan by which the public were likely to misunderstand the thing to be done. It would make no difference to the public ultimately and it would be more eligible, at once to pay the debts of his Royal Highness and to create a tax specifically for that purpose. He wanted the thing to be plainly, fairly, and distinctly done, that the public might clearly see what burthens they were to bear for his Royal Highness. When the cries of the starving poor were assailing them on all sides, the House would not be doing its duty, by granting establishments to princes, with a profusion unparalleled. He had heard much of the dignity of his Royal Highness. Now he was of opinion that the dignity of the Prince of Wales would be best maintained by his showing a feeling heart for the poor, and an unwillingness to add to their distresses. He left gentlemen to judge whether they had any pleasing prospect from what was now proposed. He was afraid of proceeding, lest he should be betrayed into any thing that might have the appearance of disrespect towards that august personage.

Mr. *Curwen* wished to see some provision, on which the House could rely, that no farther debt would be incurred by his Royal Highness. Some measure should be adopted to put that out of his power. He wished gentlemen to turn their eyes to a neighbouring country, and recollect what had brought on its great convulsion: it was not from the exercise of tyrannical power, for the late government was comparatively mild, but it arose out of a lamentable negligence about the finances, and the extravagance of the princes of the blood.

Mr. *Powys* hoped the right hon. gentleman would more fully explain the nature of the whole transaction before he called upon that House to come to any decision. He must say that he felt the deepest regret, that, notwithstanding the pledge which had been given on the part of the Prince, that no future application of that sort should be made, fresh obligations should have been contracted to so large an amount. He could not then see any reason why the motion for the call should not be adopted.

Mr. *Montagu* thought the importance of the subject was such as called for the fullest attendance; he should therefore approve of a call of the House.

Mr. *Pitt* said, that so many gentlemen seemed to be impressed with the propriety of a call of the House, that he would readily concur in meeting their wishes. In order to afford the necessary time for the call, a delay of ten days or a fortnight must take place previous to the discussion.

Mr. *Sumner* said, that before the House made any provision for discharging the fresh obligations of his Royal Highness, they ought to know how their former grants had been applied. Before, too, they consented to any alienation of his income for the purpose of gradually defraying the debts, it would be necessary to know what sum would be adequate for that purpose. With respect to the extent of those debts, public report so much fluctuated, that he had heard them stated to amount from 600,000*l.* to 1,700,000*l.*

Mr. *Buxton* said, that no man entertained more ardent loyalty to the king, or attachment to the constitution, than himself, and on this account he must express the deepest regret that, after the message of 1787, such a one as had been that day sent down should have made its appearance.

General *Smith* was sorry indeed, that, after a pledge had been given, that no future application should be made, it should have been found necessary to come forward with a second demand upon the House. He was struck with one thing that had fallen from the right hon. gentleman; namely, that the provision to be granted to his Royal Highness would be little more than what had been granted to his grandfather, though the advance upon all articles of living was such as to render 150,000*l.* now not more than equal to the value of 100,000*l.* then. If, out of the income to be now granted to his Royal Highness, a provision was to be set apart for defraying his debts, he was afraid the consequence would be, that he and his royal consort would be continually involved in embarrassment. It would be impossible for them to support suitably the dignity of their rank and station, without running in debt. He disapproved of the idea that the provision now to be granted would have the effect of pinching the poor and loading them with taxes. It was agreed on all hands, that a liberal provision ought to be made for his Royal Highness, and if he should stand singly on that point, he would contend that the provision granted in the first instance ought to be such, as would be fully adequate to

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support him in the splendor of his situation.

Mr. *Pitt* said, that after what was past, it would be proper for the House to take the provision for the extinction of the debts into their own hands, and he should suggest a proposition for that purpose. As to the extent of those debts, about which public reports had been so fluctuating, he could state, that the total amount was somewhere between 6 and 700,000*l*. So many charges had lately fallen on the civil list, that there was no part of the burden which could possibly be defrayed from that quarter. As to what had been suggested, that the provision for defraying the debts would be attended with a defalcation of income to his Royal Highness, he admitted that such would be the fact; but under all the circumstances of the case, there was no alternative by which the inconvenience might be avoided, which, in his conscience, he could propose to the House. As the provision for defraying the debts must necessarily be continued till the object should be accomplished, it was only in the event of the demise of the prince, that it would become a burden to the public. After the general outline which had been presented to the House, he would recommend to them to pause upon the subject. Much as they might regret, and even disapprove what was past, they had all an interest in supporting the character of the hereditary House of Brunswick. They had an interest in maintaining the character and dignity of the Prince of Wales, as a branch of that illustrious House; and before they gave way to any sentiments of heat or resentment on the occasion, they would do well to reflect, that in the issue of the discussion were involved the credit of the hereditary monarchy, and consequently the safety of the country.

Mr. *Martin* said, he felt as much zeal for the preservation of the hereditary monarchy, as the right hon. gentleman, but the best way to preserve the monarchy was, to prevent it from being oppressive to the people.

The Message was ordered to be taken into consideration, and the House to be called over, on the 11th of May.

May. 14. The House having resolved itself into a committee of the whole House on the King's message,

Mr. *Pitt* rose. He said that if he could completely separate one part of the subject from the other, as he thought eventually he must do, in the vote he should propose, he was persuaded he should meet the unanimous wish of the House. Upon one part of it, he flattered himself there would hardly be a difference of sentiment. He was persuaded, while he looked at the extent of our public treasure and while he reflected that he was to apply for an establishment to be settled on the Prince of Wales, after the happy event of his union with a princess of the house of Brunswick; when he reflected on the blessings we had continued to enjoy under that illustrious family of which this princess was a branch, that there was but one general sentiment felt by Englishmen, and that they would be unanimous in their determination to support the dignity and splendor of the Prince and his royal consort. This was a disposition which would arise out of the sentiment, he had almost said the instinct, of the people of this country, and he was assured that any application that was made to support the splendor of the house of Brunswick, would never be unsuccessful; for that House had always shown its readiness to protect the principles of true liberty, and to consult the real happiness of its subjects. He must lay it down as a general ground resulting from reflection on the history of past ages, as well as from many recent circumstances that in the days in which we live, it is the immediate interest of us all to support the strength, to maintain the honour and necessary dignity and splendor, not only of our monarchy, but also of every branch of the royal family. What we gave to them for these purposes, we gave in reality to ourselves. This he did not mean to be done by a profligate waste of the public treasure, but by a prudent use of it, and in allowing a handsome share of the property of the nation for such a purpose we had always been amply repaid by the security it gave us for a continuance of those blessings we enjoyed under that system of government, the center of which was monarchy; a system which, notwithstanding all the idle theories of modern pretenders and all the attempts that had been made to bring it into disrepute, comprised in it all that we had seen, not only of dignity and force, but also of protection to liberty, and every thing that could be esteemed in a well-regulated state. These were considerations which,

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he was sure, would guide the vote of the House on the question of the establishment to be made for the Prince and Princess of Wales. If that were the only question to be brought before the House, he should have confined the vote which he had to propose to what came distinctly within that principle. But, while he was aware of that being desirable, he was bound in candour to say, that he had other topics to bring forward much less agreeable to his feelings. These topics, however, he should keep as separate as possible from the other question. For that reason, he should not this day propose any provision to be voted for the discharge of the incumbrances of his Royal Highness. It was his duty, however to state the circumstances of those incumbrances. He wished to God he could do otherwise. It would be more to his satisfaction, and, he believed, more to the satisfaction of every man in the country. that the transaction to which he alluded could have been avoided; but since it unfortunately existed, the same sentiment which led us to agree to support the splendor of the throne by an establishment, led us all to wish that incumbrances should not be permitted to affect its credit; and however we might lament it, yet our loyalty to the throne, and our regard for its interests, which were inseparable from our own, called upon us to look at these incumbrances, and to see that they should not affect too deeply the ease and comfort of the heir apparent.—He then proceeded to state the view which he had of the whole subject. First as to the happy event of the marriage of his Royal Highness, there must, in consequence, be an additional establishment. Next came to be defrayed the expense attending the ceremony of the marriage, and then the expense of completing Carlton House, as a residence for their Royal Highnesses. With respect to the expense of the marriage or of the furnishing Carlton House, they would not be objects for the present committee. The only object now was a grant of a sum of money for the establishment and a jointure to her Royal Highness. This being opened to the committee, he should then proceed to the incumbrances of the Prince. He was clearly of opinion, that some measure should be adopted to relieve his Royal Highness from his present embarrassments. However, he did not mean to call on the present committee to consider the extent of these incumbrances at present. The first point was that of an establishment for the Prince and his illustrious consort. In considering this, he desired the committee to ask themselves what they thought they ought to grant to their Royal Highnesses in their present situation. At present the income of the Prince was 60,000*l.* a year exclusive of the duchy of Cornwall, which was about 13,000*l.* per annum. It was difficult to form a precise calculation as to the expense which necessarily attended the dignity of the heir apparent to the throne; but upon that subject it was natural to look back on what had been allowed to former princes of Wales. Fifty years ago, his grandfather the then prince of Wales, possessed a nett income of 100,000*l.* per annum in addition to the duchy of Cornwall. Eighty years ago, his great grandfather, the then Prince of Wales possessed 100,000*l.* without the duchy of Cornwall. If gentlemen would look at these establishments, they would see that his Royal Highness ought to have a considerable addition to his income, even supposing that he was not incumbered with debt. Let the committee then consider what they thought was absolutely necessary for him now; and in considering this they would naturally reflect on the great difference in the price of all the articles of life; they must be aware that the expenses of all descriptions were very much advanced; they would then find, that neither luxury, dignity, nor even ease or comfort could be now procured, in a degree adequate to what had been enjoyed in the times he had alluded to, without an advance in the income, to at least a fourth of the whole. He therefore now proposed, that the income of his Royal Highness should be 125,000*l.* per annum, exclusive of the duchy of Cornwall, which was only 25,000*l.* a year more than was enjoyed 50 years ago. This being the only vote he had to propose, he should merely state, in the nature of a notice, those regulations which were intended to be made hereafter. The preparations for the marriage would be stated at 27,000*l.* for jewels and plate; and 25,000*l.* for finishing Carlton House. The jointure of the Princess of Wales he proposed to be 50,000*l.* a year, being no more than had been granted on a similar occasion. This was all he thought necessary to say on the first branch of the subject; but although he meant to pro-

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pose nothing more at present, he should state to the committee the amount of the debts of his Royal Highness, which, according to the most accurate accounts, were from 620,000*l.* to 630,000*l.* up to the last April quarter. He had no reason to suppose that there existed any other debts of his Royal Highness, where he was the principal debtor. There were some in which he was security for his illustrious brothers. But he had the satisfaction to state, that from the meritorious exertions of these two illustrious characters, such debts were put into a train of punctual discharge. Before the House should take any step towards the liquidation of the debts of his Royal Highness, those debts ought to undergo the most accurate investigation. For this purpose, a secret committee might be deemed necessary; or, perhaps, a parliamentary commission, where the evidence might be given on oath, might be most advisable.--The first opinion that gentlemen would be tempted to entertain, might be one totally disapproving of the debts that had been contracted. But he should hope, that when they connected the subject with the public interests, they would not think that, if they agreed to make a suitable establishment for the Prince, they shut their eyes wholly to the subject of debt. The principle of granting an additional income was to procure to the Prince ease and comfort, and to support the dignity of his rank. Would such an establishment, however, answer any good purpose, if the committee were to leave his Royal Highness embarrassed with debt? And yet this would be the effect, if parliament were to refuse to make any legislative provision for the payment of the debts. Yet, ought parliament to say that they would forgive what was past; that they would grant an ample income, and throw all the burthen of his Royal Highness's debts upon the people? To do this would be improper. The committee, indeed, were involved in such a dilemma, that they could do nothing that would be wholly comfortable. If they abridged the splendor and income of the Prince, they would abridge his Royal Highness's ease and comfort; and, on the other hand, if they agreed hastily to the liquidation of his debts, they would be setting an example of prodigality and excess totally irreconcileable with the duty which they owed to their country; if they pressed too hardly on the Prince, the situation in which he must be placed would constitute a bad preparation for that throne which his Royal Highness was destined at some future period to fill. In this compromise of evil, it was necessary to take so much from the Prince's income as could be taken without deducting from his comfort and his ease. This was the task to which the committee ought to apply themselves. His own opinion was, that a certain sum should be taken from the Prince's income to discharge his debts; and that, in order to counteract the influence of the present example, the committee should show that the debts would be liquidated by the cutting off so much from the establishment of the heir apparent. Upon this principle he meant to submit, on a future day, that the revenues of the duchy of Cornwall, and part of the income of 125,000*l.* should be applied to the payment of the interest of the debts, and to the gradual discharge of the principal: and that the sum so taken should be vested in the hands of commissioners. From the income of 125,000*l.* a year, he should propose that 25,000*l.* should be deducted annually for the payment of the interest of the debts, at 4 per cent., and that the revenues of the duchy of Cornwall should be appropriated, as a sinking fund, at compound interest, to discharge the principal of the debt, which they would do in 27 years. But it was uncertain whether they would be paid off during the period of his royal highness remaining prince of Wales. He therefore meant to propose, that on the event of the demise of the crown, there should still be a charge of 25,000*l.* a year on the hereditary revenues of the Prince of Wales. There was one circumstance, not a very probable one he confessed, which was, that within the period of 27 years, the demise of the crown to the prince, and the demise of the Prince himself, might both happen. In that case, it would be impossible to make any charge on the hereditary revenues; and he should then propose that a burthen of 25,000*l.* a year should be imposed on the consolidated fund.—There were two general heads to be attended to in this case. The one was the faithful discharge of the debt already contracted: the other, that no farther debt should be contracted; the latter of which was to be guarded against, by making it impossible for such credit to be obtained again. With this view he should propose to insert in the bill a clause of the same nature as that which

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was inserted in Mr. Burke's excellent and memorable act; namely, that it should be impossible for any part of the expenditure to exceed the estimate; that no arrear should, under any pretence, go beyond the quarter: that debts not claimed then, should wholly lapse; that debts thus claimed should be punctually paid, but no other. These points being settled, he should propose, that Carlton-house should be invested in the crown for ever, and the furniture be deemed, under the legal phrase, to pass as heirs-loom. Finally, that no suit for the recovery of any debt shall be instituted against his Royal Highness; but against his officers, who shall be responsible for the power and authority which they shall have in the conduct and management of his affairs. He considered it to be an essential part of their present object, that, when this business was arranged, no such subject should ever come for discussion again: for he considered it to be a painful, as well as an anxious discussion. Nothing short of this would go the length which the public had a right to expect from that House, whose duty it was to satisfy its constituents. He felt this impression with double weight, from his duty as a member of parliament, and from the situation in which he stood as chancellor of the exchequer. It was his wish, while he satisfied the feelings of the Prince, to satisfy likewise the feelings of the country, and those which were more immediately connected with his own situation. These were the principles on which he had endeavoured to direct his conduct, and having given this statement, he would not detain the committee any farther, but would move, "That it is the opinion of this committee, that his majesty be enabled to grant a yearly sum or sums of money, out of the consolidated fund, not exceeding in the whole the sum of 65,000*l.*, to take place, and be computed, from the 10th of October 1794, towards providing for the establishment of their royal highnesses the Prince and Princess of Wales."

Mr. *Grey* said, that there could be in that House but one wish, to make a suitable and liberal provision for the Prince of Wales. There might farther be a hope and wish, by liberality and indulgence on the present occasion. to conciliate his feelings, to inspire him with affection and confidence, and cement the bond of union between him and that people, whom at a future period he might be called to govern. But there was a more severe duty, which the nature of the occasion imposed, in a time of unparalleled distress, such as the present. It was a duty which they owed to the Prince himself, to teach him, if reflection had not taught him, that as his family were chosen to the throne for the good of the people, so that his situation was created not merely for luxury and indulgence, but in subservience to that great end; and that though they were bound in turn to consult his comfort and enjoyment, the obligation on their part ceased, if these became his sole objects. He did not mean on the present occasion to charge the right hon. gentleman with having done any thing which his duty did not require. The discussion was attended with hardships to both parties. On the one hand, it was not desirable for the minister, after having called upon the people in the course of the session, to contribute to such an extent to the support of the war, to bring forward any fresh burthens. Neither was it desirable for those who had uniformly opposed his measures, to share, concurring in the present motion, the unpopularity which must inevitably attend such a proposition. He was, however, determined to speak plainly.—He could have wished that the right hon. gentleman, in bringing forward his motion, had avoided any of the topics which had been employed to inflame division of sentiment in that House. He was as sincere a friend to the real splendor and dignity of the monarchy, though he might be a less pleasing one, as any slippery sycophant of a court. That the Prince of Wales ought to have an establishment on the present occasion, there was no doubt; there was no doubt also that the people would grant it: but the stability of the monarchy of the country depended not upon establishments; and there might occur occasions, in which, to relinquish them, would be attended with more real dignity, than was to be derived from the utmost splendor of expense.—In coming to the consideration of the present question, he was willing to consider abstractly what income, under the present circumstances, it would be suitable to grant to a prince of Wales. The right hon. gentleman had referred to former instances. He had stated that 100,000*l.* had been granted to the great grandfather of his Royal Highness, and that the same sum had been allowed to his grandfather, with the addition of the duchy of Corn-

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wall. He thence inferred that no less an addition than what he had now proposed would be sufficient, in order to make the income equal to what it was at those former periods. He had asked, if there was any person in private life, whose increase of expense would not be found greatly to exceed that calculation. To adopt his own instance of a person in private life, as applicable to the present case, that person, in apportioning the rate of his expense, must consider also the means from which it was to be drawn. If the estate, which was the source of his income, was burthened with debt, a consequent necessity must arise for a curtailment of his expense. It was to be considered, whether, when the country was engaged in a contest, of which it was neither possible to calculate the extent nor the end, it would be proper to exceed the utmost profusion of former periods. A habit of expense had lately been created, and had grown up to a most alarming height, among all orders of society. Was it fitting that the legislature should set an example of encouraging a habit which threatened the most pernicious consequences, and even the subversion of the constitution itself, since it seemed more and more to be bringing this country into a resemblance to what had been the situation of France, previous to the era of the revolution? It was this habit which annihilated the independence of the rich, and aggravated the miseries of the poor. The imminence of the danger ought to inculcate the necessity of moderation in the present moment. The right hon. gentleman stated, that George 2nd when prince of Wales, enjoyed an income of 100,000*l.*, without any revenue from the duchy of Cornwall, and his son 100,000*l.* in addition to the sum arising from the duchy. But it was to be recollected that the establishment of the late prince of Wales, for several years after his marriage, amounted to no more than 50,000*l.*; that it was not increased till his family had grown up, and that no application was at any time made to parliament for the payment of his debts. He would ask the right hon. gentleman whether he had always adhered to the same scale of calculation, and whether, if he had, he would not have proposed a larger income to his Royal Highness in the first instance? He desired him to compare his present statements with his former conduct, wherever a similar question had been agitated. The income first granted to his Royal Highness was 50,000*l.*, which, including the income of the duchy of Cornwall, amounted to 63,000*l.* Afterwards, when the debts were discharged, and an addition of 10,000*l.* made to his income, the right hon. gentleman stated that his income was now so ample as to put out of all doubt his capacity for maintaining an establishment suitable to his rank. And yet, though the accounts on the table relative to the necessary increase of expenses did not exceed 12,000*l.*, he now proposed an addition to his establishment of not less than 65,000*l.* Taking all these circumstances together, he considered this to be a sum out of all proportion, and more than the House ought to grant under the present circumstances. It was therefore his intention to propose, that, instead of 65,000*l.*, only 40,000*l.* be added to his present income. It was originally his intention to have proposed that his whole income should amount only to 100,000*l.*, but as his grandfather had been stated to have enjoyed this sum in addition to the revenue of the duchy of Cornwall, he was willing to go all the length of the liberality of former times. To the article of marriage expenses he had no objection. As to the incumbrances of his Royal Highness, when he recollected the part he had taken with respect to a similar application,* he felt himself compelled to resist the smallest claim that might be made in the present instance. If a sum had been accumulated out of the savings of the duchy of Cornwall during the minority of the Prince, if a resource could be presented by a reduction of those trappings of state, which incumbered monarchy without adorning it, or lastly, if any aid could be derived from those great savings, which, during the indisposition of an illustrious personage, were represented as having taken place during the present reign, he was astonished that any application should be made to parliament at the present time, which contained the smallest reference to those incumbrances. The very line which the right hon. gentleman had pointed out as the least consistent with the dignity and policy of the legislature, was that very line which he felt himself compelled to take, namely, from disapprobation of the mode in which the debts had been contracted, to make no provision for them at all. This was the only mode which he conceived would operate as an

* See Vol. 26, p. 1074.

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effectual preventive against the repetition of similar demands. He here desired the right hon. gentleman to consider how far his proposition would give to the Prince of Wales a large and magnificent income. By his mode of statement, he taught the Prince to believe, that a sum of 138,000*l.* was no more than was necessary for the maintenance of such an establishment as he ought to have. While it was proposed to apply a considerable part of his income to the liquidation of his debts, had any thing been done to diminish the scale of his expenditure? What, then, was the effect of this conduct, but to hold out an encouragement, or provide an excuse, for the incurring of new debts? On the other hand, the highest regard had been professed for the dignity of his Royal Highness. How far, he would ask, was his dignity consulted by the mode proposed to be adopted by the right hon. gentleman? What could be more degrading to a prince, than to tie him down in the manner which had been suggested; than to say, that we cannot trust him, and that we must compel him to do justice by the strictest regulations? He had a very different view of the subject The best dignity, and the truest greatness, was that which was founded upon integrity of character, without which no respect for rank or station would long avail. The best means, then, they could pursue, was to grant to the Prince whatever income they might think suitable, and to mark their disapprobation of the debts by a direct refusal to enter into any discussion on the subject. The right hon. gentleman had stated the inconvenience to which the Prince of Wales would be subject by such a decision on the part of the legislature. He was sensible of the inconvenience, but he had only a choice of evils. Unfortunately, he could not see the Prince of Wales in that situation of rank and dignity which belonged to him. He had then only to look to that which was the next best—to see him in the situation of lamenting his errors, and making the best preparation he could for the liquidation of his debts. Would any man tell him that if the Prince were to retire to a situation, where he might qualify himself by reflection for the duties of his future station, after having made a composition with his creditors, who, no doubt, would be satisfied with easy terms, that there would not still, out of the income which he proposed, be left a sufficient provision for the ease and comfort of two persons, who had other resources to which they might look? But it was urged, that the support of the monarchy was interested in the provision now to be made, and that whatever was given, was given for public purposes. He granted that such was the case with respect to whatever was given for the purpose of real and useful splendor, but expressed his fears, that of the debts submitted to the secret committee, there perhaps might not be one, which ought not to furnish to the House a subject of regret. He concluded with moving, "That instead of 65,000*l.* an additional sum of 40,000*l.* should be granted to his Royal Highness."

Mr. *Montagu* considered the question to be of the utmost importance and exhorted the House to act gravely and deliberately. He was of opinion that the interest of the public was materially connected with the preservation of the character and dignity of the crown, and thought that every step should be taken to support the proper splendor and dignity of the heir apparent.

Mr. *Lambton* felt himself under the necessity of supporting the original motion. That motion, he conceived, included every advantage which could be derived from the present discussion. With respect to the amendment, it must either put the Prince in the situation of incurring new debts, or be followed up with a bill to exile him from the metropolis, and expel him from Carlton House. The question, then, was, whether or not it was necessary that his Royal Highness, in the situation in which he stood, should preserve an intercourse with different ranks of people. The income now proposed was to be granted, not from any considerations personal to his Royal Highness, but from loyalty to his illustrious House, and attachment to the constitution. Base and unprincipled must that sycophant be, who would poison the ear of his Royal Highness with an insinuation, that he had any right to squander the money of the people of England for any purpose, however idle, fantastic, and extravagant. He could not, however, admit all the blame, which had been attached to this accumulation of debt. Part of the evil resulted from an ill-judged parsimony in the first instance. When the income of the prince was only 50,000*l.* they paid his debts; from the estimate of which they might perceive that he was then

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spending 100,000*l.* yet, notwithstanding, they granted him only an income of 60,000*l.* thus leaving him with the certainty of contracting a fresh debt of 40,000*l.* a year. If it were true, as had been stated, that the extravagance of the court of France had brought on the disasters of that unhappy country, it became the duty of the House to extricate the Prince from his difficulties, and prevent the possibility of his running into the same error. If it was wished to keep up the monarchy in the country, its splendor and dignity should also be maintained, lest the monarchy should be reduced to a nullity. He stated how the economic government of America was peculiarly fitted to the soil where it originated, and did not at all apply to this country. In America, at the period of its revolution there existed no hereditary aristocracy, and all the classes of society were nearly upon a level. At some period or other the burthens of the Prince must fall on the public, for when he came to the Crown, his first object would naturally be the discharge of these debts. If it could be supposed that it was possible to endeavour to prevent this, the consequence would be violent convulsions in the state, which might even ruin the constitution. He wished, at the same time, to obtain something for the people. He hoped that a bill would be brought in to abolish, as far as possible, the undue influence which large establishments necessarily introduced into the legislature. Of the three branches composing the state, he had no hesitation in saying, that he preferred the democratic branch, as that which held in its hands the interest and happiness of the community, yet he would not wish to restrain the just prerogative of the Crown. He thought that the Princess of Wales ought to be considered on the present occasion. He should think it would be inconsistent with British generosity that she should be exposed to the taunts of creditors; it was more honourable to them to afford her, after she had been invited over, the means of living in affluence and ease. He concluded with saying, that he should vote for the original motion. He thought it would be derogatory to the Prince, to think of a composition with his creditors, when the plan proposed was adequate to the dignity of his establishment, and at the same time led to the gradual liquidation of his debts.

Mr. *Curwen* said:—Sir; I can neither agree to the plan of the right hon. gentleman, nor with the amendment. Such is the dilemma we are involved in, that we have only a choice of difficulties. Numberless are the objections to every expedient I have yet heard proposed. I cannot but heartily deprecate the right hon. gentleman, who so solemnly pledged the royal word, and has been so shamefully inattentive in looking to the observance of it. Had he done his duty, means might have been found to extricate his Royal Highness out of his difficulties, without imposing fresh burdens on the public, or exposing his Royal Highness's character. That the country are dissatisfied, and unwilling to be charged with one penny of the Prince's debts, will not be denied. On the other hand, by refusing to extricate his Royal Highness, you subject him to insults which may lessen and disgrace royalty in the opinion of the people, and produce mischiefs of the most dangerous kind. I am, therefore, for the payment of the Prince's debts, and shall vote for the larger sum, with a view of forming such a sinking fund, as may in a reasonable time liquidate them. With this view, should the larger sum be adopted by the House, I shall move, in some subsequent stage of the proceedings, that the 65,000*l.* and the duchy of Cornwall, be applied to the liquidation of the Prince's debts. On the part of the Prince, sacrifices must and ought to be made. His Royal Highness ought to relinquish his court, and retire for a season into privacy, there to regain the good opinion and regard of the people: little, indeed, is the sacrifice, when compared with that which will be obtained. The interest of the Prince and the people are the same: as he acquires the affections of the people, they gain security; for without the affections of the people, no government is secure. I approve of the commission to inquire into, and settle the debts; I wish a veil to be thrown over them, and that the future conduct of his Royal Highness may make us forget the past. I confess myself much disappointed that we have had no intimation of his majesty's intention to come forward and take upon himself part of the burden. I cannot believe, had the right hon. gentleman acquainted his majesty with the temper and feelings of the nation, that he would not cheerfully have evinced his regard and affection for his people, by meeting their wishes. I

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think the throne should be the first to feel, and the foremost to sacrifice to the distresses of the country; and I verily believe it would not diminish the lustre of the crown, to dispense with some of its trappings.

Alderman *Newnham* was decidedly in favour of the greater sum. He expatiated on the necessity of keeping up the dignity and splendor of the heir apparent to the crown of these realms. The splendor of the Prince of Wales was the splendor of the people of England, and all who were friends to the monarchical form of government ought to be cautious how they agreed to any measure which might diminish that splendor. The circumstance of the Prince's marriage, and the situation of his amiable consort, ought to weigh with the committee; she was welcomed to this country by every person in it, and it was proper that the rank and splendor of the new-married pair should be suitable to their dignity. It was of the utmost consequence to the happiness and domestic comfort of the Prince of Wales, that his establishment should be such as in future to prevent him from accumulating debts. To accomplish this desirable end, he saw no way so certain as that of giving his assent to the original motion.

Mr. *W. Smith* stated, that the sums formerly given to a Prince of Wales had been granted out of the civil list. Both George the 2nd and the late Prince of Wales were married, and had several children, at the time that their establishment was extended to 100,000*l*., and then the application was made to the king, not to the country for a shilling of it. But the king refused on account of his own numerous issue; and observed, that though the Prince's family was large, his allowance was competent. Besides, the national debt was then 48 millions, whereas it was now 300 millions. In the same reign of George 2nd his majesty had been under the necessity of applying to parliament for the payment of some arrears which had accrued on the civil list; and in his message on that occasion, he intimated, that in consideration of that, he should make some considerable retrenchments and deductions in the expenses of the civil list, by reducing several places and pensions appertaining to the same. He wished a similar conduct had been pursued upon the present occasion; and instead of the burthen being thrown entirely on the people, that it should have been borne by those who were much better able to struggle under its weight. He professed himself as true a friend to the monarchy as any member; but he thought that splendor and dignity had been confounded in the course of the debate; splendor might indeed sometimes add to dignity, but on other occasions, as on the present, dignity might be most effectually consulted by an abatement of splendor; there were many offices in the households, both of the monarch and the Prince of Wales, which, while they were highly honourable in themselves, lost much of their dignity by the persons holding them receiving the salaries they did. These offices were held by noblemen of the first distinction, and who were styled in the civil list menial servants of the crown, or of the Prince. He had not the smallest doubt in his mind but that the first dukes and lords in the land, really deemed it an honour, and felt the highest pleasure, in being constantly about the person of their sovereign; but when he contemplated those noble personages in the character of a master of the horse, or a lord of the bedchamber he could not conceive that they derived additional dignity to their characters or that their services reflected additional dignity on the crown, from their receiving severally one or two thousand a year for the services they performed. It at once surprised and grieved him, that no intimation had been given by his majesty, that he was ready to bear some part of the burthen of paying the Prince's debts. He wished, for the sake of the dignity and splendor of the monarchy, that this had been done; but as it had not, the best and safest way that he knew of, was to vote such an establishment as should prevent the Prince from incurring future debts, and that would decidedly weigh with him to support the original motion.

Mr. *Fox* said, that conscious that what he should feel it his duty to say would be acceptable neither to the crown, the Prince of Wales, nor the majority of the House or of the country, he could have no particular inducement to be very forward in troubling the committee with his opinion. It was undoubtedly necessary to support the splendor of the crown as an essential part of the constitution; but he did not understand calling it, as it had been called, the center of the constitu-

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tion. The crown was dear to every man who loved the constitution, but not dearer than other parts of it, than the House of Commons, the popular branch of the constitution. To the chief magistrate in all governments, republics as well as monarchies, a certain degree of splendor was necessary. This was a point clear from the history and practice of all governments, but subject to modification, as circumstances might require. There were cases in which the dignity of the crown might be better upheld by relinquishing part of its accustomed splendor than by a strict adherence to it. Much had been said of the establishments of former princes of Wales as precedents. Sorry he was that he could not look to those precedents as the most creditable parts of the history of the House of Brunswick. The establishment of George 2nd when prince of Wales, had been a mere matter of party; how much more that of his son, Frederick prince of Wales? The establishment of Frederick prince of Wales had been at one time 60,000*l.*, at another 100,000*l.* a year; 60,000*l.* a year when he happened to differ in political opinion from his majesty's ministers, and 100,000*l.* when he afterwards agreed with them. He had too much respect for the memory of that prince, to impute to him motives inconsistent with the honour of his high station, inconsistent with the honour of any private gentleman, but the circumstance gave room to suspicions in the country, as injurious in their tendency to the prince as to the people, for mutual respect and confidence were necessary to the interests of both.—What he now deprecated was, a conduct on the part of the House that might expose any prince of Wales to such suspicions. Let all men see that they meant to be guided only by the actual principles of the case, and not by regard to the individual. And here he must lament the whole conduct of government with respect to the establishment of his Royal Highness. When an allowance of 50,000*l.* a year in addition to the duchy of Cornwall was proposed, he thought it insufficient. Why, then it would be asked, being one of his majesty's ministers at the time, did he concur in that allowance? He concurred, declaring his opinion of its insufficiency, because it was then an experiment, and great deference was due to the opinion of his majesty, who gave the whole sum out of the civil list, without calling for the aid of parliament, and thought that it would be sufficient. A few years after, other ministers advised his majesty to apply to parliament to exonerate the civil list from this allowance to the Prince. In 1787 an hon. magistrate brought forward the subject again before parliament, when provision was made for paying the debts of his Royal Highness, and 10,000*l.* a year was added to his income. This was no new experiment, but the result of an experiment already made. He then thought 60,000*l.* a year in addition to the duchy of Cornwall an insufficient allowance; but his mouth was stopped by the terms of the king's message, conveying very clearly both the king's opinion and the Prince's, that it would be sufficient. The declaration of his Royal Highness, that he would give no occasion for any future application to parliament on a similar account, surprised him not a little. He knew not who had advised him to make such a declaration; but if his Royal Highness at any subsequent period had consulted him upon the subject, he would have said, that, being made, it was a promise which, for his honour, he was bound to keep. It was, however, the opinion of ministers, and of the chancellor of the exchequer in particular, whose duty it more immediately was to form a correct opinion, that 60,000*l.* a year, in addition to the duchy of Cornwall, was sufficient for the splendor of the Prince of Wales at twenty-five, and for reinstating his household, which he had dismissed.—Upon what principle then, did they now pretend to say that 125,000*l.* a year was necessary? Marriage, in the lower classes of life made a great difference in point of expense, but did it in any thing like the same proportion among the higher ranks? His Royal Highness, before his marriage, had a house and a household. Did his marriage require two houses and two households? How, then, was it possible for those who in 1787 said that 73,000*l.* a year was sufficient for his expenses, to say that 138,000*l.* must be necessary now? He could not but lament that the same conduct seemed to be adopted with respect to the establishment of his Royal Highness as had taken place with respect to that of Frederick Prince of Wales; that ministers measured the extent of his allowance by the degree of approbation he bestowed upon their system of government; and that the House, following them, was to

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be guided, not by principle, but by circumstances of a very different nature. It might be asked, whether he did not feel such a difference as he supposed ministers to feel? He would answer, that he did not; that he had never considered his Royal Highness in any other point of view than as the heir apparent to the throne; that he had never looked to his opinions, but to his station. He might then be asked, whether he, who had always thought the former allowances to his Royal Highness insufficient, would not now vote for the larger sum, in preference to the amendment moved by his hon. friend? Undoubtedly he would, and for the reasons he had stated on former occasions, but not without some provision for preventing such applications to parliament in future. The difference between the present value of money, and the value of it when 100,000*l.* was an adequate provision for princes of Wales, required at least an addition of one fourth. He should be answered, that the increase of public debts and public burthens made the country less able to bear large establishments. He admitted and lamented the increased and increasing burthens of the country; but with increase of public debts, let the increase of public means to provide for them be taken into consideration. Let gentlemen look to what he wished ministers had looked to in 1787, the increased habits of expense in all ranks, and the difference of one fourth would certainly not appear to keep pace with it.—His hon. friend who moved the amendment, had spoken of the evil tendency of such habits; but, was the Prince of Wales the first example they would choose to select for reform, and, in some sort, for punishment? He remembered to have heard a lady, as weak and as frail as the frailest of her sex, say, not ludicrously, but seriously, "I am conscious of my faults; but I hope I atone for them by my marked disapprobation of such faults in others." It would ill become him to be very pointed in his disapprobation of imprudent expense in others; but he would say to the city, to Westminster, to the public at large, "If you complain of increased habits of expense, begin the reformation by reforming yourselves." Reference might be made to the liberality of parliament to other princes, to the crown itself. Whatever they might say about the separation of the three branches of the legislature and their independence of one another, it could not be dissembled, that the crown, having the disposal of all offices, civil and military, with the collection of near twenty millions of revenue, must possess great influence in that House. Would it, then, be seemly to yield to every extravagance of the crown, but act harshly and austerely towards a prince who had no such influence? Something on this occasion might have been expected from the civil list. Queen Anne, from a civil list of 600,000*l.* gave 100,000*l.* towards the support of a war. George 1st out of 700,000*l.* a year, gave 100,000 for the establishment of his heir; and George 2nd the same sum for the establishment of Frederick Prince of Wales. During the American war, when the country was not certainly in a state of prosperity, parliament paid a large debt for the civil list, and added to it 100,000*l.* a year. The sum appropriated to the privy purse had been gradually increased from 36,000*l.* to 60,000*l.* a year. Why, then, refuse a proportional increase to the establishment of the Prince of Wales? These arguments he had formerly stated to the House without much effect; and if they produced any effect now, it would be from being enforced by eloquence superior to his.—But with the establishment, unfortunately, the business did not end. There were debts, as stated, of his Royal Highness, to the amount of 620,000*l.* and several other debts for which he was bound The latter, he understood, much to the honour of those who had contracted them, were already in a course of payment. But supposing the creditors to think the mode of payment too slow, they might call upon the Prince for payment, as well as his own creditors, and therefore to relieve him from his embarrassments, if to do so was intended, these debts must be put upon the same footing as his own. Hence arose two questions,—Was the Prince well advised in applying to that House on the subject of his debts, after the promise made in 1787? or the minister justified in making any proposal for liquidating them, without some engagement on the part of his Royal Highness, which might be relied upon as a security against future calls of the same kind? To both these questions he must give a decided negative; and therefore he would consider only what was a proper establishment for the Prince, without noticing his debts. Here again, a new consideration interposed, viz. that of the Princess of Wales, who had been in-

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vited over by the unanimous consent of parliament and the country, and for whom the House, by its addresses, stood pledged to make a suitable provision. It was in vain to pretend, that the House was not aware of the embarrassments of his Royal Highness at the time they gave that pledge; not one of them but knew the fact although not regularly informed of it by a message from his majesty. For this reason only he would assent to a plan for relieving his Royal Highness from those embarrassments, but not without an absolute sinking fund, for liquidating the debt within a reasonable time. The right hon. gentleman proposed appropriating 25,000*l.* a year for payment of the interest, at four per cent., although interest was at five per cent., and the income of the duchy of Cornwall to liquidate the principal, which, according to this plan, would be discharged in about twenty-seven years. Was this a plan that any man could propose seriously? Rather let the House own that they did not mean to pay off the debt, than hold out such a mockery. Their duty to the Prince and to the public was the same, for, in consulting his dignity, they consulted the public interest. But in what way would his dignity be best preserved? By retaining all the splendor of his establishment, his creditors unpaid, or by seting apart such a portion of it as would liquidate his debts, and atone for past indiscretion by future economy? To do this would be his advice to his Royal Highness, were he to condescend to ask it in his closet. He gave it not, as he then must give it, for the sake of popularity, of which he was no courtier, except as it followed an honest discharge of duty, and which he was never less likely to obtain than by the course he was taking on the present occasion. If only 25,000*l.* were applied to the liquidation of his debts, his carriages, horses, servants, every article of his state, would remind the public of what it was much better the public should forget; but let such a reduction as he proposed be made, and men's feelings would soon take a contrary turn; they would pant for the moment that should restore the Prince to the enjoyment of his full income; and when it arrived, view his splendor with pride and satisfaction; 65,000*l.* with the income of the duchy of Cornwall, would form an adequate fund for the payment of his debts within a reasonable time. It might be asked, if the Prince could live in a way becoming his state upon 60,000*l.* a year? He would answer, No; nor upon 100,000*l.* a year? for if he could, ministers upon their own principle would not be for giving him 125,000*l.* a year. But for a time he might spare his great officers of state, and other expensive appendages of his rank, and the public would gain a beloved and respected Prince of Wales. Upon 100,000*l.* a year he would be expected to maintain his full establishment with an inadequate income, and would neither be able to clear away his old incumbrances, nor to avoid new. Upon 60,000*l.* he would be expected to consult nothing but his domestic satisfaction and the honourable discharge of his just debts and when he had once experienced the public esteem and affection that would soon follow such a plan, his future years must be prosperous indeed, if he counted the years of his probation the least happy of his life. All this might be done much sooner, and without expense to the public.—It had ever been his opinion that a land estate was the least proper of any for the crown, the most objectionable on account of the undue influence it was calculated to create, and the least likely to be profitably managed. The duchy of Cornwall, as he was informed by persons well acquainted with it, might be sold for 800,000*l.*; he would suppose for only 600,000*l.* The prince's life-interest in it might be valued at 300,000*l.* and that sum applied to the payment of his debts. The remaining 300,000*l.* might be applied as parliament should think fit: to the future provision for princes of Wales, if they were so attached to customs, merely because they were old, as to think it worth while to continue that whimsical sort of provision. There would remain 320,000*l.* of debt, which the fund he had mentioned would pay off in three or four years, when his Royal Highness might resume his state, with the satisfaction that his indiscretions had not cost a penny to any one of those whose fellow-subject he was at present, and whose sovereign he was one day to be. The middle course proposed by the right hon. gentleman would neither give splendor to the prince nor comfort to the private gentleman; but above all, the people would see in it no atonement for past imprudence.—He approved of taking measures to prevent future debts being contracted, provided the plan was to be general. If it were to apply to the Prince of Wales individually it would not be a mark of res-

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pect but of degradation; if applied to all future kings and princes it should have his hearty support. It would relieve parliament from the difficulty which always occurred when debts were contracted by the royal family, that unless provision was made for the payment at the public expense the creditors must lose the money. In making the officers of a prince responsible for all debts in their several departments, there appeared to be such inconveniences as he thought could not be obviated. Why had not his majesty been advised to do something upon this occasion himself? Was it for the interest of regular governments that monarchs should never appear to their subjects to feel any portion of the public adversity: that they should grow rich as the people were growing poor? In private families the indiscretion of a son was a misfortune which his family felt and must make sacrifices to repair. The imprudence they all lamented was partly of this nature, and something might have been expected towards repairing it: 100,000*l.* would not have gone far in money, but it would have gone far in sentiment. It was not wise in those who talked of the dangers that threatened monarchy, to suffer kings and princes to be known only to the people by expenses and taxes. A more unpleasant duty Mr. Fox declared, he had never performed in parliament. The illustrious person whose honour and interest, in conjunction with those of the public, he was anxious to promote, would not perhaps much relish what he had said if it should be reported to him: but, grateful as he was for the personal notice and kindness with which his Royal Highness had sometimes honoured him, he never had spoken, nor would speak of him in that House, but relatively to his station, not to his own private feelings. The smallness of his income palliated his debts, and, had it not been for the promise in 1787, might have excused them. All who knew him knew this to have been his constant opinion upon that point. The Prince had not been fairly dealt with, as to the revenues of the duchy of Cornwall during his minority. What the act of parliament gave to him from his birth, had been applied by successive ministers to the purposes of the civil list. It was a miserable plea to say, that they had been expended on his education. Would any man of fortune, whose son had a distinct income, charge him with the expenses of his education? Mr. Fox concluded with repeating that he would vote for 125,000*l.* to the Prince of Wales, but that he would oppose taking any notice of his debts, unless a large fund for liquidating them were appropriated in some such way as he had suggested.

Mr. *Wilberforce* said, that the proposition was one from which he must reluctantly dissent, but he trusted he was not acting under the influence of prejudice or passion, but determined on an impartial consideration of the important subject before them, and earnest in the pursuit of truth. The subject on which he had at present to make up his mind, without reference to the incumbrances, was merely what should be granted to the Prince of Wales. And surely it would be impossible for the House not to feel the peculiar circumstances under which they were to determine on that point. Need he mention the immense debt which was already incurred during the present war, added to all our former burthens, and the indefinite amount of that which might yet remain behind? Need he insist on the distresses which at this moment the lower orders were experiencing from the unequalled price of every necessary of life? Need he suggest the endeavours which had been used to render a limited monarchy unpopular, by representing it to be a mode of government, wherein the many were to be taxed and impoverished, to supply the luxury and prodigality of a court; or urge the use which would be made in this connexion, of any grant upon the present occasion, which by moderate and reasonable men might be deemed in any degree extravagant? Surely it would be sufficient to remind the House of these several topics, and every gentleman's own mind would supply the various considerations they were calculated to suggest. Giving, then, their due weight to all these circumstances, the question to which he had to answer was this—What would be the proper allowance for the heir apparent to the crown? He entirely agreed with his right hon. friend, that this was no private or personal, but a public and a political question; they were bound indeed to grant to the Prince of Wales, as a man for whom it was incumbent on them to provide, whatever might be requisite for his personal comfort; but beyond this, and considering him in his political capacity, it was their duty to investigate what

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allowance would best promote the end in view, that of giving credit and support to the monarchy. He said he thought that gentlemen hardly went deep enough in considering the subject. On looking attentively into history, and examining the principles of human nature, it would appear, not only that such an allowance as they were now speaking of, ought to be different at different periods and in different states of society, in order to render it most conducive to the intended end; but that as in more rude and barbarous times, when a general simplicity of living prevailed, it might best support the honour and credit of the crown, for the king and his immediate connexions to live in great splendor and magnificence (for which therefore large revenues would be required); so in times of general luxury and extravagance, a certain chaste and dignified simplicity, when not sinking into any thing mean or sordid, would be likely to excite still greater respect and veneration. This was a principle, of the truth of which he was firmly convinced; and it would be found to hold true in every other instance wherein it was applicable as well as in that of the style of living: every one would anticipate its application to works of literature and the fine arts, in which, at a more advanced period of society, a chaste simplicity was substituted in the place of finery and tawdry decoration. Taking this principle into account, and adding it to the former considerations, drawn from the situation of the country, he must say that he thought 100,000*l.* per annum, exclusive of the duchy of Cornwall, was a sufficiently liberal provision. Several arguments had, however, been urged to induce the House to accede to the proposal for the larger sum of 125,000*l.* besides the duchy of Cornwall. It was stated, in the first place, that the smaller allowance was the same which had been made to his Royal Highness's grandfather, and that, from the decreased value of money, it would by no means go so far now as formerly: but he must remind the House, that his Royal Highness's grandfather had a great family to maintain: and, not to mention that this principle of regard to the decreased value of money, or the increased price of articles, was not one which had been admitted in the case of the public establishments of this country, he must observe, that the principle applied less in the case of his Royal Highness than in any other, because a considerable part of his expenses consisted in fixed salaries to the various officers of his court, which were the same now as they had been in the time of his grandfather.—What he had remarked concerning the greater simplicity which became times of general pomp and luxury, would serve, in some degree, as an answer to another argument in favour of the larger allowance, that not only the price of every article was increased, but the style of living was itself extremely raised within the last few years; whence it was contended, that the Prince of Wales must spend much more now than a Prince of Wales formerly, to maintain his relative situation. But it was here also to be remarked, that the chief difference in the manner of living consisted in this, that from the usual effects of increasing opulence, the lower and middle orders had gradually adopted the luxuries and refinements of the higher classes; and he believed that to any one who would consult the page of history, it would appear that in the case of persons in the highest rank, like that of his Royal Highness, the style of living was not only not increased, but that it was actually diminished: they had fewer retainers than formerly; they had less numerous retinues; their entertainments were less costly and magnificent.—But the right hon. gentleman, willing to bring forward the whole force of his artillery, had tried the effect of facetiousness as well as of serious argument; and by a pleasant story had ridiculed the idea of the members of that House prescribing to the Prince of Wales that simplicity and moderation of living, which they were themselves so slow to practise; but the lady in question, it was to be observed, was acting in an individual, and not in a judicial capacity. What would the right hon. gentleman say to a judge upon the bench, who should declare that he must change the sentence of that law which he was sworn to pronounce, because he knew he was himself in some degree chargeable with the same offence? And was a legislative of less importance than a judicial function?—With regard to the Prince's increased expense, in consequence of his having become a married man, he thought 40,000*l.* a year was fully sufficient to cover that increased expense. He felt as much as any one, that they were bound in honour to consider her Royal Highness, in this arrangement. He could not but

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believe, however, that they gave her little credit for those feelings which he trusted she possessed, who conceived that she would not be most gratified by her cause being considered as identified with that of her husband, and by receiving that which with most cheerfulness and cordiality the people of England would bestow. He could not but flatter himself, that both their Royal Highnesses would feel little obliged to those who could consider their interests and feelings as distinct from those of the people, whom they were one day to govern, and that they would learn rather to respect those who were too sensible of the blessings of a monarchy, to lessen the solid strength, by increasing the pageantry of the crown, and endanger the loss of its best security, the cordial good-will and affection of the people at large. He approved of Mr. Fox's idea of the Prince's living for a while as a private man, without a court, and remarked that to deprive their Royal Highnesses of this kind of state, would probably be to take away little or nothing from their happiness.

Mr. *Yorke* said, he could not answer to his constituents for voting more than 100,000*l*. Any proposition for paying the debts ought to form a distinct consideration.

General *Smith* was for a very liberal allowance, which he said would be nothing without paying the debts. The income of the duchy of Cornwall having been spent by the public during the Prince's minority, ought to be made good to him by the public. He should therefore vote for the larger sum proposed. He wished the House to take into their consideration the enormous expenses which a prince of Wales was necessarily compelled to incur, which private men were exempt from. The great increase of price in every article rendered it proper for the House to make such a fair increase of revenue as would put his Royal Highness upon an equality with his predecessors. The reason why his Royal Highness was so involved was, that when his establishment was first fixed it was too small. This compelled him to run in debt, and had caused all his subsequent perplexities.

Sir *W. Pulteney* was for relieving the Prince from his debts, but in such a way as that the public might see what they were doing, and for making it impossible that any of the royal family should contract debts in future. He would vote for the smaller sum, reserving the debts for future consideration.

Mr. *Bankes* was of opinion, that the plan for liquidating the Prince's debts in 27 years was, in a great measure, nugatory, and put the risk ultimately on the public to pay them. He was therefore for adopting Mr. Fox's plan of applying 65,000*l*. together with the profits of the duchy of Cornwall, towards this desirable end, which would effect it in a few years.

The committee divided on Mr. Grey's amendment: Ayes, 99; Noes, 200. Mr. Hussey then moved, "That the chairman do now leave the chair;" upon which the committee divided; Ayes, 99; Noes, 248; The committee then divided on the main question; Ayes, 241; Noes, 100. The original resolution was then put and carried.

Debate in the Lords on Earl Fitzwilliam's Recall from the Government of Ireland.] May 8. The order of the day being moved,

The Duke of *Norfolk* rose to make his promised motion. His grace said, that the matter which he had now to bring forward was of magnitude sufficient to attract the attention of their lordships. The honour and the character of a very distinguished individual were involved in it. His fame and reputation had been severely wounded by the conduct of ministers, in having advised his majesty to recall him from an important station. This was not all; for the subject involved matter of more importance than even the honour or the life of any individual—the probable tranquillity of the sister kingdom and of this. The question to be discussed was not, in his opinion, between the noble earl who had been recalled, and the noble duke who communicated his majesty's commands upon that subject, but between the noble earl and that part of his majesty's privy council denominated the cabinet. In their act as a body, one individual was not more implicated than another. What passed there was the act of all; and the mere transmitting of the result out of a particular office, was a matter of no importance; in that respect, the noble duke could do no more than to give directions to his clerks to transmit the dispatch according to orders. The question, therefore was, whether the noble earl had so far violated his duty, either from vanity, weakness, or any other cause as to make it matter of

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justice or prudence to recall him; or whether ministers had departed from their duty, from wantonness, or caprice, or any sinister views of their own, and improperly advised his majesty upon the subject? He must now request the indulgence of their lordships, while he took a view of the situation of this country, from a time considerably anterior to the date of earl Fitzwilliam's recall. At the time of the American war, their lordships would recollect, there was a considerable party who opposed both the principle of that war, and the manner in which it was carried on. That party succeeded at last in removing the minister who conducted it, and were called to take upon themselves the helm of affairs. The death of the marquis of Rockingham, which could never be sufficiently lamented by the nation, occasioned a new change, and the noble marquis, whom he was sorry not to see in his place then earl of Shelburne, succeeded to the administration. A peace at that time was the general wish, and the noble earl negociated and concluded one, which was, however, of such a nature, as to meet with considerable disapprobation, and the consequence was, that he too was put from power, and an administration succeeded which was called the coalition administration. By them a bill was brought in for the management of the affairs of the East India company, which was by many thought a very strong measure, and although it passed the Commons, it was arrested in its progress through their lordships House and rejected. The fall of that coalition from power was the necessary consequence, and an administration succeeded, headed by a man, whose green youth was thought to be more than counterbalanced by extraordinary genius, and whose hereditary claims to the hopes of the nation, tended even still more than his brilliant talents to raise him to power. He, however, with all the weight of royal patronage in his favour, felt that he held his power by a precarious tenure, as the parliament then in being seemed not indisposed to mark his call to that power as unconstitutional. He therefore advised the sovereign to call a new parliament, and that parliament, as well as the Lords, concurred in fortifying him, and keeping him in office. Candour must own, that to that right hon. gentleman's plan for diminishing the national debt, the nation was greatly indebted. It had rescued the kingdom from calamities that seemed difficult to be averted. Impartiality demanded so much. Would to God that he could go farther! But from that time down to the present day, every succeeding act of that minister seemed to be still more censurable than the former.—In 1789, the French people, compelled by a system of court oppression which the blindness of supposed security, and the inveterate obstinacy of habitual despotism, prevented the court of Versailles from removing, effected a change in the government of that country. Abuses became intolerable, and the people undertook the task of reformation themselves. A necessity to be deplored; for when the people reformed for themselves, they reformed miserably. And here he thought the inability of our ministers became conspicuous. A combination was formed by the powers of Europe, who were fearful of the effect which this revolution might produce in their own dominions. Under this was formed the treaty of Pilnitz a combination which no state had a right to form against another. Our ministers should, in his opinion have come forward to prevent that combination. This was a glorious opportunity for the court of Great Britain to have raised the character of this country among the nations of Europe, to have secured it from the miseries of war, and, above all, to have averted the fate which befel the unfortunate victims who afterwards fell in France, and prevented all the subsequent atrocities. Unfortunately, they acted a different part; the consequences were too obvious to be discussed; and although no official documents were before the House to ground a positive assertion, yet he believed it was not denied that they were found interfering with the French concerns at the treaty of Pilnitz.—At this time, a gentleman who belonged to the party he espoused (Mr. Burke), a man of the most extensive knowledge, and the brightest genius of modern times, had unfortunately, though he believed with the most pure intentions, written a book against the French Revolution fraught with knowledge both in men and books, which contained some strong and undeniable truths, conveyed in the most eloquent language that persuasion could assume; but at the same time inculcating principles and broaching doctrines, not only subversive of the constitutional rights of Englishmen, but diametrically contradictory to the whig principles, which he in common with his party, professed—the

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principles of the Revolution of 1688. To this book, the effect of which on the minds of the greater part of Europe was beyond calculation, an answer was written by a Mr. Thomas Paine—a man who, although nearly as inferior in genius as in learning and knowledge, was yet possessed of considerable ability, and particularly of a talent for that kind of writing calculated for the meridian of the lower class of people to appeal to their prejudices, and assail their feelings. Those two books had done infinite mischief. Happy would it have been for mankind had they never been written. The consequences were too well known. The agitation they produced served ministers as a pretext for doing that which they had, from the beginning, intended to do; and on the final overthrow of the monarchy in France, M. Chauvelin, the French minister, was ordered to quit the kingdom. The parliament was summoned; the Tower was fortified; the militia were drawn out, and the parliament, partaking of the alarm thus raised, formally voted their approbation of the steps taken by ministers. Among those who were influenced by this panic, were many respectable personages of the Whig party. They gave their support to ministers—gave it, he was convinced, from motives the most pure, though, he thought, on mistaken principles. Had they continued to give that support without sharing in the offices of government, they would not only have acted more to their own honour, but more to the advantage and credit of the cause they espoused; but they had not long given their support, when it was suggested to them by ministers, that they should also share in the responsibility; in consequence of which, they accepted offices upon terms, which it was asserted by the ministers would contribute to the harmony of the realm. Among those was the arrangement with respect to Ireland, respecting which he would endeavour succinctly to state to their lordships what he thought, and what he knew. It was then clearly understood, that all restraints on the Catholics, that were not absolutely necessary for the safety of the state, should be done away. For the last forty years, it had been notorious that the Catholics of Ireland had been suffering under the shameful severity of the most unnecessary, cruel, and oppressive restrictions which the darkness of prejudice could assent to. They were at the mercy of common informers; and they had nothing to resort to for their common comfort and protection, but the connivance of government. And while it had been the vile policy of ministers thus to be teazing and fretting the Roman Catholics of that country with odious distinctions about religion, and with political disqualifications, they shut up from them, in a great measure, the chance of conforming to the established church; for it was a well known fact, that in the compass of many miles of that country, a church was not to be found; insomuch that it was common for one clergyman to say to another. "You have got a good living, for there is no church in your parish." As to religious disqualifications, he conceived that they could properly arise only from political necessity: when that necessity ceased, the disqualification should end; and as the popery laws arose from fear of popish pretensions, which now had no existence, or at least were no longer dangerous, it was unjust, cruel and impolitic to fetter a people merely for conscientious scruples of religion. This being the situation of Ireland, he could not suppose for a single moment that the noble earl should have gone there upon a mission of such importance, with any doubt as to what was intended to be done upon that point. The removal of any particular persons from inferior stations, he considered to be always a thing of course under the discretion of superior personages. He had nothing to say against Mr. Beresford or any other gentleman; he might be as good a man as his successor, or his successor as good as him; but surely that could be no ground for the recall of a lord lieutenant of the kingdom. The noble duke said, that in a change of administration he had himself been removed, but he thought nothing of it, because it was a generel rule in all new administrations. Under all these impressions the noble earl went to Ireland. It was necessary that all parties should be cordially united in one general sentiment; whether it was considered that they were to protect the island from invasion, or to destroy domestic discord. When the noble earl arrived in Ireland, Mr. Grattan from well-understood instructions, no doubt, stood forward, and stated that the Catholics were to be relieved. From his justly acquired fame, there was every reason, under all the circumstances, to apprehend that every thing under the new

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order of things was to be accomplished. That gentleman had stood nobly forward on another occasion as the champion of the Irish cause, and for his successful exertions, the parliament of Ireland had voted him a remuneration larger than any that parliament ever voted before to any individual except to the earl of Chatham. In this situation did Mr. Grattan stand forward. Parliament heard the tidings with joy, and so did the public. They voted thanks to the lord lieutenant; they came forward with alacrity, and voted much larger sums of money for the public service than ever they had done before. They consented to the most lavish taxation without a murmur. The Catholics, brought to this pitch of expectation, found of a sudden the lord lieutenant recalled, and all their hopes vanish. The cup was suddenly dashed from their lips, and the whole country was thrown into confusion. Thus did ministers tear open wounds which were beginning to bear the aspect of healing. And here he earnestly cautioned ministers to beware how they adopted any measure that tended to risk the amity which subsisted between the two kingdoms. Some persons might, perhaps, think, that the losses we sustained on account of America or the loss of America itself, was trifling; but he knew not of any one who would say that the loss of Ireland would not make a dreadful havock to Great Britain and to Ireland. He thought that in this situation the time was come, when the inquisitorial power of parliament over the conduct of ministers ought to be exerted. He concluded with moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to direct that there be laid before this House, such part of the Correspondence between his majesty's ministers and earl Fitzwilliam, late lord lieutenant of Ireland, as relates to the motives and grounds of his Recall from the government of the said kingdom, during a session of parliament, in which the two Houses of Parliament had voted their confidence in him, and their approbation of his conduct, and with a munificence unexampled, had granted supplies for the general exigencies of the state."

The Earl of *Coventry* said, he could not assent to the motion. He had always understood that a charge should precede a defence. He had heard nothing against the noble earl, and therefore he thought it unnecessary to take this measure. He apprehended that their lordships ought not to interfere in this case, for it was a matter resting entirely on the prerogative of the Crown. Suppose his majesty were to change his ministers to-morrow, would the noble mover promote a parliamentary inquiry? The noble earl went to the government of Ireland with as fair a name as ever man possessed, and he thought he had returned unsullied. Why, then, call for an inquiry that would involve the discussion of cabinet secrets? For these reasons he hoped their lordships would dissent from this motion.

Earl *Fitzwilliam* said, he had been appointed to the high station of lord lieutenant of Ireland, from which he had been suddenly recalled; and, notwithstanding what the noble earl had just said, that no blame attached to such recall, facts were stubborn things, and spoke strongly. He stood charged, not by words but by facts. There were no cabinet secrets, nor any secrets in the case. The facts were notorious to all the world; but the motive of recalling him, if this inquiry was not instituted, would remain in darkness. Great blame had been imputed to him from various quarters: and such was his situation that it was only their lordships to whom he could apply for relief. He called upon them, therefore, to protect an individual, injured and wounded in the tenderest part, his honour and reputation. He threw himself upon that House for protection, and pledged himself to prove that his conduct in office had not been merely pure and befitting, but that it had been meritorious. All he asked was, that the cause of his removal should be laid before their lordships.

The Earl of *Mansfield* said, that the character of the noble earl, Fitzwilliam, certainly gave a great weight to the present motion for inquiry. That character, he admitted to have been always pure and unsullied, nor was it less so in the present moment, than it had been during every period of his life. He meant to oppose the motion entirely upon general grounds. He did not consider the character of the noble earl as implicated in any charge which called for inquiry. There were two positions, upon which the motion was grounded, which he wished unequivocally to admit, first, the responsibility of ministers with respect to Irish affairs, and secondly, the right of that House to institute an inquiry in all cases which called for their investigation. In the present case he con-

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tended, that no inquiry was necessary. It was the indisputable prerogative of the crown to remove ministers from their situation. To inquire in every instance into the grounds of such removals would be an interference on the part of that House new in point of practice, and unauthorized by the principles of the constitution. But there was another more important reason why the present inquiry should not be instituted, namely, the necessity of secrecy in the conduct of public business. He would state two cases, one of a general who should be superseded in the middle of a campaign, and the other of an ambassador recalled, pending a negociation. These two were undoubtedly among the strongest cases that could be imagined. But if the persons thus dismissed should assert that they had been engaged in a train of measures highly beneficial to the public, when they had thus been stopt short in the middle of their career; if they should loudly demand an inquiry into their conduct, and for that purpose move for all the papers relative to the plan of operations, or the progress of negociation, would the House comply with such requisitions? And was the correspondence relative to the affairs of Ireland less consequential, that it should be exposed on the present occasion? It was necessary for the proper conduct of public business, and in order to keep up a right understanding between the two countries, that the most free and unreserved communication of sentiment should take place between ministers in this country, and those who had the direction of affairs in Ireland. But could this be the case if every communication, from the minister to the servants of the public was liable to be brought forward, and made the subject of parliamentary discussion? If such a procedure was to be sanctioned, however the correspondence might retain the name of secret and confidential, it would assume a degree of reserve and caution. Ministers would recollect that they were liable at a future period to be called to account for every unguarded expression, and might sometimes be induced to suppress particulars, which, if communicated, would have been essential to the public service. The noble earl had said, that a charge had been brought against his character, and he had called upon the House for their protection. If such had been the case, he would then have admitted that an inquiry was necessary for the purpose of his exculpation. But he contended, that the fact of his removal from office by no means implied any charge against his character. The power by which he had been removed was discretionary; and all that could be inferred was, that there existed between him and his majesty's advisers in this country such a wide difference of opinion as rendered it impossible that they should act in conjunction with respect to the affairs of Ireland. He therefore called upon the House however much they might be interested by the appeal of the noble earl, to consult their reason, in the decision of the present question. It might be said, that the present embarrassing situation of Ireland more particularly called upon the House to go into an inquiry. What were the facts to which they were to resort for that purpose? It was necessary that it should be ascertained that Ireland was really in a state of discontent and inquietude, neither of which admitted of any proof that could be brought before the House. A question nearly of the same tendency as the present motion, had been already proposed to the Irish parliament and negatived by a large majority. To take up the discussion, then, in that House, would be to interfere with the decision of an independent legislature, and could only have the tendency to increase the fermentation, and inflame discontent. He could not therefore help considering the motion as highly dangerous and mischievous.

The Earl of *Guilford* said, that their lordships were bound, from motives of duty and of honour, to go into the inquiry. If it was found, that the mischief had arisen from the presumption and contumacy of the lord lieutenant, it was fitting that he should be punished; if, on the other hand it had proceeded from the duplicity and treachery of his majesty's ministers in this country, the infamy of their policy ought no longer to be concealed. The necessity of state secrecy was urged in opposition to the motion. But could they teach the people of Ireland anything which they did not at present know and feel? Were they not already in possession of the facts which would form the basis of discussion? It had been said, that it was the prerogative of the crown to dismiss all its officers, and that it was no part of the duty of that House to inquire into the grounds of their removal. It was the prerogative of the crown to declare war, and to conclude treaties. But was that any reason why the House should not discuss the justice

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of the one and the policy of the other? In the present instance a lord lieutenant had been removed, in possession of the almost unanimous approbation and confidence of the people. Expectations which had been raised in a very numerous body of the community, with respect to the adoption of certain measures, had been grievously disappointed. The consequence had been to produce in the people of Ireland discontent and distrust, if not alienation and despair. Was it not fitting that the House should inquire who were the authors of this calamity? Were they not bound to avert from the country the reproach of such a conduct, and to prove to the people of Ireland, that only a few individuals, and not the English nation were really their enemies? But he was told that an inquiry would be dangerous. Every inquiry, he admitted, was attended with some degree of danger; but it was only to those whose misconduct had produced the necessity of investigation. Those only were endangered by inquiry, who had occasioned danger to the public. He could not conclude without taking notice of some letters that had been given to the public by his two noble friends (Fitzwilliam and Carlisle). In those letters the noble earl (Fitzwilliam) attributed the whole of the business to an intention of the first lord of the treasury to degrade and annihilate the Whig party; such was the scheme which he supposes him to have pursued in the whole of his conduct with respect to Ireland; and of which his other friends had become so egregiously the dupes. There was, however, no reason to be surprised either at this system of dupery on the part of ministers, or of credulity on the part of his friends. All that had happened had followed in the unalterable order of things. Could the noble earl expect that the principles which he, and those with whom he had acted, had given up in this country, should revive and flourish in Ireland? Could he expect that the system, which had been so long contended for, and at last abandoned in the one country, should without opposition be adopted in another. When an Octavius had been found to desert a Cicero, might it not be supposed that there would not be wanting an Anthony to countenance and assist in the sacrifice? The evil was now perceived too late. The Whig party, which had so long stood as a bulwark against the corrupt influence, and unconstitutional attempts of ministers, and which the noble earl by his desertion had contributed to destroy, could not be built up again. What else could be expected under the administration of a man who had founded his maiden fame on the desertion of those very principles with which he had set out in life? Lord Guilford concluded with giving his most hearty assent to the motion.

Viscount *Sydney* said, that in the course of his political life he had often seen ministers dismissed, yet their dismissal had never been the subject of parliamentary inquiry, nor had the prerogative of the crown been questioned. There could be no circumstances in which an investigation would be more improper than the present; for what must be the subject of discussion? A subject now before the independent legislature of another country, which had not pronounced any decision upon it. He did not wonder at the wish expressed by earl Fitzwilliam for an inquiry, but to those who did not feel the same prejudices, honourable prejudices he would call them, as the noble earl, it could not but appear unnecessary.

The Duke of *Leeds* agreed, that it was an undoubted prerogative of the crown to appoint and dismiss its ministers and servants, even without assigning any cause; but he could not admit the inference which was drawn from that fact, namely, that any investigation proposed by that House, when it appeared to them to be necessary, was an infringement upon that branch of the prerogative so particularly contended for that day. On the recall of a lord lieutenant of Ireland, as a mere matter of fact, it might be improper to go into any inquiry respecting the causes; but when that fact was attended by circumstances of an extraordinary and unprecedented nature, which the dismission now in question notoriously was, he thought it became the dignity and wisdom of that House to institute an inquiry of the nature proposed. The peculiar state of Ireland at the time, and the sudden and extraordinary recall of a governor who possessed so much of the confidence and esteeem of the whole people and parliament, were topics upon which the public had a right to call for some satisfactory explanation. As the motion went only to papers which related to the cause of the recall, he was surprised that any objections could be made to it.

The Earl of *Carnarvon* was decidedly against the motion. He contended for

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that branch of the prerogative, by which the king appointed and dismissed his servants without assigning a cause, as being essentially necessary to the welfare of the constitution; and that every attempt to infringe upon it ought to be resisted. He denied that any disgrace could attach to the noble earl from his recall. There was no charge whatever made against him, and therefore he was not called upon for any defence. The noble earl had gone to Ireland with a spotless reputation, and he had yet heard nothing that tended to sully it by his return.

The Earl of *Moira* said, that blame did exist somewhere, the fact of the recall of the noble earl fully demonstrated, and the public had a right to be satisfied on the subject. The noble earl had boldly courted an investigation into his conduct, and it equally became ministers to meet the challenge, and put the House in possession of such information as might enable them to form a right judgment upon the question at issue between them and the noble earl. He deprecated the idea, that any investigation of the nature proposed was a direct interference with the legislature of Ireland. It was a discussion which that country looked for, and had a right to expect. He agreed in the opinions stated respecting the prerogative of the crown; but, admitting the extent of that argument, he still must insist, that in extraordinary cases the prerogative of the crown, and the manner in which it was exercised, were fit matter for the cognizance of that House. That such cognizance should be proceeded on only when dictated by sound discretion, he was ready to allow; but, if ever there was a case which called for investigation, it was the one now before the House. All the danger that had been dreaded by some people, he considered as visionary. This was no common dismissal. Let their lordships consider the critical situation of Ireland at the time the noble earl was appointed; the great satisfaction that his intended measures had given to that country, and then let them observe the extraordinary circumstance of the noble earl's being withdrawn from the government, while he was carrying on measures so truly honourable to himself, auspicious to the prosperity of Ireland, and so conformable to the wishes of people of all descriptions, both there and in this country. Under such circumstances, could this be reckoned an ordinary dismissal; or rather were there not involved in it such serious consequences as demanded investigation? Much shyness was pretended in some quarters, respecting the delicacy of the subject and the noble earl's feelings; but such observations came with a very bad grace from ministers. What delicacy could they pretend to, after the manner in which they had treated the noble earl? The very circumstance of recalling him in the way they did, carried with it a degree of disgrace and supposed criminality, which nothing but a fair inquiry could do away. The noble earl had been accused of bringing forward a measure improperly called the Emancipation of the Roman Catholics; but whatever propriety there was in that measure, the noble earl had asserted, that it was not the cause of his dismissal All the other measures of his government, equally tending as they did to the tranquillity and the prosperity of the country, he was ready to answer for. He had been joined, as soon as his intended system of government was known, by that great man, that able and tried friend of his country, Mr. Grattan, who had supported his administration, not in the ordinary way of supporting administrations, by accepting of places of rank and emolument, but without asking for any share in office, merely because the noble earl's system of government was directed to the great object, the good of the people. On the Catholic question, and indeed on almost every other that had been entered upon, full three-fourths of the country not only were with him, but had strongly solicited the measures which he seemed inclined to follow, and the other fourth never thought of opposing them. One leading feature in his administration was, a uniform disposition to correct those gross abuses which were known to have prevailed in former administrations. In this country, as in all governments, there might be suspicions of corruption; but in Ireland all suspicion was out of the question; corruption was notorious, and not even attempted to be concealed: here, when it did exist, much pains were taken to mask it under some disguise; there, corruption, like a common prostitute, stalked about unveiled.—One gentleman's name had been introduced into the debate (Mr. Beresford), for whom he entertained a very high respect, and did

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not wish to insinuate any thing that could look like a censure upon his conduct; but though he said this, he might fairly add, that he saw no impropriety in his removal; no charge of corruption, that he knew of, had ever been made against that gentleman; yet there was a degree of suspicion attached to him that made his removal from office necessary.—His lordship adverted to the alarms that had been entertained, from the introduction of French principles. From these he thought much less danger was to be apprehended, than from the critical state of Ireland. He would then ask, whether this danger did not proceed from the extraordinary recall of the late lord lieutenant? It certainly did. The proceedings of different meetings, and the addresses from all parts of the country, all showed the dissatisfaction at this recall. Was this a time to be careless about offending the people of that country? Was it a time to withhold from them what they so much wished, and what was so essential to their happiness and their security—a time when they had afforded to this country a great addition of strength, and had granted such liberal supplies? He concluded with giving his support to the motion.

The Earl of *Westmorland* said, what had lately happened in Ireland, and the publications imputed to the noble earl who had so recently been recalled, made it impossible for him to sit silent, when a topic, in which he was in some measure personally implicated, was under discussion. The letters of the noble earl contained assertions which he must positively deny. The noble earl had declared, that on his arrival in Ireland, he had found the government of that kingdom, a government of corruption and oppression. He wished the noble earl had stated in what that corruption and oppression consisted. He knew of no corruption in his majesty's government there, any more than in any other government. The noble earl had thought proper to dismiss several of the most faithful and tried servants of his majesty, and to assign his reasons for it in the letters before him. Speaking of Mr. Beresford, the noble earl had declared, that "he filled a situation greater than that of the lord lieutenant; and when he saw that if he had connected himself with him, it would have been connecting himself with a person under universal heavy suspicions, and subjecting his government to all the opprobrium and unpopularity attendant upon his mal-administration. What was then to be his choice? What the decision he had to form? He could not hesitate a moment: he decided at once, not to cloud the dawn of his administration, by leaving in such power and authority, so much imputed malversation." These were serious charges to be brought against a man of an unblemished reputation. But how did the noble lord obtain this information? He landed only on the Sunday, and could not consequently give an audience till the Monday; and yet, upon the Wednesday following, he had acquired such a complete knowledge of Mr. Beresford's unpopularity and malversation, as to determine to dismiss him. Did he make his inquiry at the Custom House? Or did he content himself with partial information, and receive this report from Mr. Beresford's political enemies? Three days was a short time for such investigation, and yet, short as it was, the time the noble lord employed was apparently still shorter; for when the marquis of Waterford left Dublin on the Wednesday, there was no rumour whatever that his brother was to be discharged. How the noble lord could justify himself, would have been problematic, if the noble lord had not proceeded to disclaim every idea of personal injury, and to state that he offered sufficient recompense by a pecuniary compensation. What! is not an attack upon the character of a man an injury?—Lord W. next alluded to what had been alleged against lord Fitzgibbon. Yet, who was it, that in 1782 defeated the propositions? Who stood by England at the time ministers were almost totally deserted? Lord Fitzgibbon. —He now came to himself. The noble earl had said, that "it was one of his objects, and that a principal one, to bring back consequence and dignity to English government." This was a reflection, lord W. said, upon his government. He hoped the noble earl did not design to convey such an insinuation, although it was liable to be so construed. If the consequence and dignity of English government had been lost, how happened it that when he was there he had obtained such universal support. How happened it, that he had found a strong and leagued opposition upon his arrival which he turned over to the noble lord, weakened to a degree that prevented it

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from throwing any serious obstacles in the way of government? How the noble earl had learned the distracted and disunited state of the country, was the next object of inquiry. He found the parliament unanimous, no seditious meetings, no inflammatory harangues; the people loyal and industrious, an increase of revenue, a flourishing commerce, and a prevailing harmony throughout the kingdom. If the country had been in that distracted state in which it was represented, how came these circumstances? And why was it not deemed necessary that this spirit of disaffection should be checked by an army? Yet the army was removed: and, though the country was in this distracted state, and the people so disunited, we never heard of any of those alarming consequences which usually attend a rebellion.—He now proceeded to the question of Catholic emancipation. For his own part, he had always considered it as inexpedient, nor could it have been brought forward in a serious manner except by government. The Catholics had received concessions, for which they were very grateful; and unless they had been urged by others, they would not have attempted to disturb the public tranquillity. He supposed the noble earl had not been authorized to proceed in the question, because he had acknowledged that he had been directed to keep it off. How far he had done so was easy to be seen, from that encouraging language which he had always given to the Catholics. What were the distinctions the noble earl intended to abolish? Had he ever read the act of settlement? If he had, he would find, that any prince in this country who acknowledged the supremacy of the See of Rome, did *ipso facto* forfeit his inheritance of the crown. Now, by the distinction of the act of supremacy and uniformity, such an emancipation as was proposed would be construed a reconciliation for holding communion with the See of Rome. By the articles of Union, too, the king was bound to maintain the Protestant establishment; and this was not a time to trifle with the civil or ecclesiastical establishments of our ancestors. Proscription and persecution had been complained of among the Catholics since 1793. Was this true? Were they not received with equal favour as the Protestants, and did they not enjoy the same impartial justice and mercy? After some compliments to Mr. Pitt, who never delivered any of his coadjutors to dismissal, neglect, and disgrace, his lordship affirmed, that a gentleman had assured him a conciliation with the Catholics would take place, which he afterwards repeated, when Mr. Pitt said, he was mistaken, and informed him upon what conditions the noble earl was gone; for his majesty's ministers concurred with him in the idea that such a conciliation would be fatal to the honour of the king, and perhaps tend to produce a separation of the countries.

Earl *Fitzwilliam* said, that if he had before conceived that the Catholic question was not the genuine cause of his recall, he was now convinced of the fact. The noble earl had returned from Ireland, according to his own account, only with the intention to govern it more securely. He had declared that he had, even before his return, Mr. Pitt's promise that his friends should not be removed from their situations, and he had no sooner set his foot in England, than he had procured these promises to be renewed, and had taken care to embarrass the new arrangement of the administration. To this, in so many words, did his own account of his conference with ministers tend. And it certainly was most perfectly true, that the noble earl had taken all the measures in his power to embarrass the future administration in Ireland; for what other purpose could the granting a reversion for two lives of a place of 2,300*l.* a year to lord Fitzgibbon serve? He had not been two days in Ireland before he discovered what the noble earl now owned to be the case, before he was convinced of his intention to embarrass the king's government, and that a very perfect system had been formed with the ministers at home for accomplishing that end. That which he had sensibly felt in Ireland, was now avowed in England; and it seemed there was no hesitation in acknowledging the course which had been previously arranged. Now, however, that he was returned from Ireland, with the favour of the people of that country, he should not follow the example that had been set him; he should not be a factious interferer in the system of his successor. He should not intrigue either publicly or privately; all that he should do was, to support the character of those honourable men with whom he had been most immediately connected in Ireland. He should

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pay no regard to all the vague insinuations thrown out against himself; but for the character of the honourable men with whom he was connected, he was bound to stand up, and he declared that men of more pure honour, disinterested spirit, and zealous patriotism, there did not exist in either country. They had conciliated the affections of the Irish people to the crown; they had restored harmony to the kingdom; they had reconciled all the jarring discords, and had brought the whole people of Ireland to be an undivided family of brothers, and had animated this large body with a spirit of loyalty to their king, and of affection to the sister kingdom, from which had followed exertions for the common cause unprecedented in the history of the nation. To the efforts of those great and good men he owed all the popularity which he enjoyed in the country; and not only he, but Ireland itself, was equally sensible of their virtues; for, in the many addresses with which he had been honoured, he was thanked for acting by the advice of men, whose virtues were so universally known and felt, and for the system which he had adopted. A man more universally beloved, and more deservedly so than Mr. Grattan, did not exist in Ireland; and it was the peculiar fortune of that gentleman that his unalterable attachment to English connexion, his unremitting pursuit of the happiness of Ireland, his disinterested zeal in the service of his native land, which he ever combined with hearty loyalty to the sovereign, were exalted and made more conspicuously useful, by the unrivaled talents of his mind. This gentleman's services, the noble earl himself must acknowledge, when, at a very arduous moment, he came forward to the support of government, and, at the commencement of the present war, by his grand and animating eloquence, had brought over the people to the approbation of it; and certainly, the war was not popular in the kingdom until he had made it so, whatever the noble earl thought on the subject. The people did not see it in the light of a common cause, until inspired by him, and until he taught them to feel that their best interest would always be to stand or fall by Great Britain. Such was his patriotic argument! such was his successful eloquence! and for having connected myself, (said lord Fitzwilliam) with this gentleman, was I dismissed; for it was obviously on that account chiefly that I incurred the hostility of the English minister. — Another honourable friend (Mr. Ponsonby) had certainly more weight and influence than any other gentleman of family, or perhaps than all the other families put together, and his services to government were truly advantageous. He had been in office; he had been dismissed from office before now, but he had not come factiously over to England to complain of such dismission, and to intrigue against the existing government, on account of his having lost a place. He did not presume to think that there was any injury in a public servant of the crown being sent back to the mass of the society from which he had been drawn; he did not think that he held that office in fee, and that it was an absolute inheritance from which he could not be driven. These were the new notions which were reserved for the present day, and upon which he had been made the victim of cabinet intrigue. Since the coalition in July last many instances of dismission had taken place, though his conduct alone in dismissing persons in whom he had no confidence had been arraigned. He had incurred much obloquy on this ground. The dismissal from office on account of it, with the loss of its authority and patronage, he perfectly knew how to despise, but he was sensible to the attack upon his character. A noble earl, his friend (lord Carlisle) who did not approve of his conduct in this respect, but whose friendship he was sure he possessed, had kindly made known to him all the calumnies which were spread here against his character, and made him feel the necessity of refuting the insinuations which were so industriously spread against him. And yet were there not many instances of alteration in office taking place without any inquiry? Had not admiral Gardner been removed from the admiralty board, admiral Affleck, and lord Hood? And was it not evident that ministers must have the power of nominating friends in whom they had intimate personal confidence to the situations under them? Without such arrangements, business could not be transacted. When a man undertakes an office, for the duties of which he is responsible, it is obvious that his efforts must be seconded by men who possess his full esteem. Such, said the noble earl was my feeling with respect to Mr. Ponsonby. He is the man of all Ireland, who has done the most to keep up the connexion between that country and England. His whole life has

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been honourably devoted to that service; and therefore his claims on any administration desirous of preserving the unity of the empire were irresistible. And it was not his own merits alone that he had to plead: his father, his grandfather, and indeed all his ancestors, had performed such eminent services to the crown, as gave him, a distinguished claim to royal favour. We were not yet so perfectly Jacobinical, nor were the French doctrines yet so established as to refuse to any man the claims of ancestry. The father of Mr. Ponsonby had particularly distinguished himself by disinterestedness as well as by active service; for when he found reason to relinquish the Speaker's chair, and to resign his other places, he retired with no pension, place, nor reversion for himself, his wife, his sons, and his relations; he retired to his own limited patrimony, to enjoy the consciousness of rectitude with the blessings of his country. Another branch of the same family, he was accused of having an intention to bring forward, Mr. George Ponsonby. A man more eminent in his profession was not to be found. He had been sent for to England, to consult with ministers on the arrangements to be made, and it was fully and perfectly understood, that his great and useful talents were to be employed. With respect to the material question in this discussion, it had been stated by the noble earl, that as far as he could presume to know, I was bound to carry on the system which had been acted upon, with the assistance of the old friends of the administration, and that they were not to be dismissed. To this I answer, that the direct reverse was the fact. I went out expressly authorized to complete the measure of 1793; that measure originated in England, and when the coalition took place in July last, every Catholic body in Ireland naturally looked to the completion of a system by the men who had begun it, which would accomplish what they called their emancipation. Surely, a noble duke who made an essential figure in that coalition, could not entertain the idea of carrying on the affairs of Ireland on the system which had formerly prevailed; and whatever the noble earl may think of the merits of his administration, it was not regarded as one worthy of approbation, or fit to be persevered in by that noble duke or his friends. The presumption, therefore, is, that the old system was not to be pursued; and such also was the fact. But says the noble earl, has the king power to grant emancipation to the Catholics? Did he not give his royal assent to the act of 1793, which restored them to their rights? And could it at this day be a question, whether the discipline of the church, transubstantiation, the form of kneeling or sitting, or standing, to take the Lord's Supper could endanger the safety of the state? No! no! these alarms were gone by, and now it was felt that there could be no danger to the state but from political doctrines. In fact the religious tests in former days were only required as evidences of political creeds; and now that the occasion which gave them birth was past, they ought to disappear, together with all the injurious distinctions and petty animosities which they had engendered, in order to make room for the fair distribution and tranquil enjoyment of equal rights. When I undertook the arduous station of lord lieutenant of Ireland, let it be remembered that it was in the hour of danger. The common enemy with an activity which had surpassed the common march of war, had added provinces after provinces to their dominion. I had scarcely, set my foot on the Irish shore, when, not a province only, but a whole state, the most important state in Europe as an ally of England, had been added to the empire of the enemy. Nor was this all. I had scarcely set my foot on the Eastern coast of Ireland, when the news was brought me that the Western coast of the kingdom was threatened by 36 line of battle ships of the enemy, and that the whole kingdom lay at their mercy if they chose to make a descent. This state of peril did not last merely for a day, or for a week—it continued for a whole month, presenting to Ireland, and to all the world, the French the undisputed masters of the sea, even so recently after the glorious victory of the 1st of June. Such was the state of Ireland on my arrival, when I applied to the first men in the kingdom, through them to arouse the whole energy of the nation, to inspire them with one common sentiment of love to their king, and to unite them in one firm resolution of defending their country. If, in such a moment, my hands had been tied, and I could not have called forth the best abilities of the nation in order to arouse and incorporate the whole, could I have hoped for success; and, with common discretion for my

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guide, is it likely that I would have attempted it? I had the power—I exerted it—and I have the thanks of every part of the kingdom. Go to St. James's, and you will find that I brought with me the regret of the people of Ireland. But I am recalled; and I am told that no blame is thrown upon me. They say that there may be no blame on the one side, and no error on the other; yet you all know what insidious pains have been used to stigmatize my character. It is to discover the truth that I support the motion of the noble duke. It will bring the whole matter before your lordships, and enable you to decide fairly between us. I ask for no more than your impartial decision."

Lord *Grenville* said, that it was the undoubted prerogative of the crown to dismiss ministers, whatever might be their character, and however high their situation, without publicly assigning the reasons. There might be cases in which their lordships would think it their duty to call for the confidential communications between the different branches of administration; but such cases rarely occurred; and when they did occur, their lordships would discuss the business with the whole of the information before them. It was not for ministers, before the information was called for by the House, to disclose what, by their duty and by their oaths, they were bound to keep secret. By this rule he should be guided, notwithstanding any inducement to the contrary, notwithstanding the strong inducement held out by a noble duke, that the refusal of ministers to go into the inquiry must be followed by the conclusion that they were to blame. When the noble duke was a member of the cabinet he did not so conduct himself. He then felt the propriety of suffering charges to pass unanswered, when he knew that a single word, but that word of a nature not fit to be disclosed, would have cleared him. For his own part, he had often done this; and he did not believe that the inference of guilt was always to be made from silence. The most material part of the question was, the fitness of going into the discussion at all; and before deciding upon that, they were called upon to discuss it upon surmises. With respect to the insinuation, that the blame might be imputable to his noble friend (the duke of Portland), in whose department was the correspondence with Ireland, he would say, in the first place, that no blame was imputable to any of his majesty's ministers; and, in the next, that blame, if any there were, was not more imputable to his noble friend than to any other confidential servant of the crown; for there was, constitutionally, no such thing as government by departments, every member of the cabinet being equally responsible for every measure of the cabinet. Did the situation of a lord lieutenant of Ireland differ from that of any other minister of the crown, who might be removed at pleasure? If the noble earl complained of his recall from the lord lieutenancy of Ireland, he would answer by reminding him of the servants of the crown he had himself removed from office. Were ministerial places held for life, or during good behaviour? He had seen the removal of eight lords lieutenant without a single complaint to parliament upon the subject. It was said to be extraordinary that a lord lieutenant should be removed during a session of parliament; and yet three or four of those he had mentioned had been so removed. This had been the practice amidst all the parties and factions by which this country had been agitated; and to adopt a new course would be not to support, but to change the constitution. Nothing could be more dangerous than such a change; for it was not pushing the principle too far to say, that if either House of Parliament were to inquire into the causes of dismissing ministers, the next step must be inquiring whether or not their successors were well chosen, and advising as to their appointment. They would then establish a committee of public safety, or something worse. Their lordships were not sitting in a constituent assembly to new model the form of government. He admitted that ministers were responsible for the advice they gave to the crown, but before they were called to account, substantive ground must be laid for a charge against them. The House, it was said, must proceed with discretion; but to call for the correspondence first, and then afterwards consider what use they would make of it, was not to proceed with discretion. He enlarged on the danger of discussing the Catholic question in that House, upon which the independent legislature of Ireland might already have come to a decision. On whatever side that decision might be, what would be the consequence, if their lordships decision should happen to be different? Was it fit to hold out to

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the people of Ireland, Your own parliament are oppressors and task-masters; to the parliament of England you must look for redress? If his conduct as a member of the cabinet was to be judged, he would claim to be judged, not upon letters and surmises, but upon the whole of the correspondence; and it was for their lordships to say, whether or not they would call for that correspondence under the circumstances and at the hazard he had stated.

The Earl of *Lauderdale* was surprised at the opposition to an inquiry, which the character of his noble friend, the character of administration, and the public interest, equally demanded. The public had an interest in the characters of such men as his noble friend, which they should not suffer to be muttered away. But when he heard the predecessor of his noble friend in Ireland, throwing out accusations against him, he thought the inquiry could not be refused. That noble lord was not quite so secret with respect to Irish affairs as the secretary of state. He told their lordships, that a bargain had been made for lord Fitzgibbon, and that Mr. Pitt told him that no bargain had been made for Mr. Beresford, or any of the rest. Here, then, was high authority; for that part of the accusation against his noble friend, of removing persons whom he had agreed not to remove was unfounded, unless their lordships, from their knowledge of Mr. Pitt, should be of opinion that what he said ought to go for nothing. The noble lord denied the corruption of the government of Ireland, and claimed the merit of giving away a reversion of 2,300*l.* in pursuance of that very system which he said did not exist. The noble lord was equally inconsistent, when he argued, that the dismissal of certain persons from office in Ireland, was a disgrace for which there could be no adequate compensation, but that the removal of the lord lieutenant afforded no reasonable ground of complaint. Those who knew the character of earl Fitzwilliam, the integrity and candour of his life, and the proofs he had given of the sincerity of his junction with administration, could entertain no doubt of his earnest wish to co-operate by every means consistent with his honour, in support of that system which his opinion of the interest of his country had induced him to adopt. As their lordships were denied proofs, they must, from the characters of the two men, presume that the departure from previous agreement lay with Mr. Pitt, not with earl Fitzwilliam. He adverted to lord Carlisle's letter to earl Fitzwilliam, written in a spirit of friendship, which he did not well understand. The style of the letter was that of disclaiming the intention of imputing blame, but perspicuously conveying it in almost every sentence, and gently insinuating guilt upon every head. Their lordships were not called upon to discuss the Catholic question, but to inquire who had been the author of the imposition respecting it, practised upon Ireland.

The Earl of *Carlisle* vindicated himself from the charge of having insinuated any blame against his noble friend: he had written to him in the first instance, merely to state the reports in circulation, with respect to his conduct. He never conceived that there existed any charge against him which called for such an inquiry as was now demanded.

The Marquis of *Buckingham* opposed the motion, as novel in itself, and of a dangerous tendency. He condemned the facility with which gentlemen sported with private characters, and bore the strongest testimony to the loyalty of Mr. Beresford. He thought the noble earl who had been recalled from his government, had been precipitate in the publication of his letters, for which he believed, in his cooler moments, he would be sorry.

Earl *Spencer* said, that he had on a former occasion professed himself able to vindicate his own conduct whenever this discussion should take place. Disagreeable, however, as were the imputations to which he must subject himself, he would rather, in the present instance, submit to forego inquiry, than consent to any disclosure inconsistent with the public interest. From what had been said that night, he thought it necessary to state, that ever since his entrance into office, he had experienced the most uniform and cordial support from his colleagues in administration.

The Duke of *Bedford* said, that there were four ministers present who had once acted with him in the cause of freedom. From their present conduct he could not but deem the air of the cabinet infectious. The new ministers had even outstripped their leaders in the career in which they were now proceeding. There was, in his opinion, no danger in the present inquiry, but that it might disclose the duplicity and treachery of ministers: who should

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either accuse or justify the conduct of the noble earl.

The Duke of *Portland* said, he did not consider the occasion to be so important as to call for an inquiry; nor did he think that any charge had been brought against his noble friend, which rendered investigation necessary for his exculpation. No charge had, in fact, been brought against him; the whole rested on a difference of opinion.

The House then divided: Contents, 21; Proxies, 4—25. Non-Contents, 83; Proxies, 17—100. Majority against the motion, 75.

Protest against the Recall of Earl Fitzwilliam from the Government of Ireland.] The following Protest was entered on the Journals:

"Dissentient,

I. "Because the removal, in the midst of a session of parliament, of such an officer of the crown, as a lord lieutenant of Ireland, the immediate and sole representative of majesty in that kingdom, under the circumstances, is singular, perhaps unprecedented. The effects of that bold and unusual measure, especially in the present critical state of affairs, cannot be indifferent. It is a fact notorious, and not contradicted, that the House of Lords and House of Commons in that kingdom, did at the moment of his recall, directly and explicitly, in a solemn vote and resolution of each House, declare their confidence in the lord lieutenant. It is a fact equally notorious, and equally uncontradicted, that these votes of confidence from both Houses of the Irish Parliament were in perfect conformity to the opinions and wishes of all descriptions of the people of that nation.

2. "Because a strong charge of malversation in office, supported by clear proof or strong presumption, ought to be produced to weigh against those solemn testimonies of a parliament, and those declared opinions of a people, and to justify a proceeding, the inevitable tendency of which is, to produce dissatisfaction and discord amongst his majesty's subjects in that kingdom. That the proceeding itself is within the prerogative, there is no doubt; but there is no doubt also that this House is competent to an inquiry into all advice given to the crown with regard to the use of that prerogative; and that it is its duty to make such inquiry in any event by which his majesty's honour or interest, or the tranquillity, concord, and union of his empire, and its common effort against its common enemy, may be effected.

3. "Because, as the Peers are bound for their own honour to examine with a more strict scrutiny into the conduct, and to animadvert with greater severity on the misdemeanors of those of their own body, so they owe a peculiar protection to such peers, as, on inquiry, they shall find, in the exercise of the high prerogatives of the crown, to have demeaned themselves uncorruptly, to the satisfaction of the people, with a diligent attention to the functions of their charge, and with duty, zeal, and fidelity to their sovereign.

4. "Because earl Fitzwilliam, the lord lieutenant, removed in so unprecedented a manner, did voluntarily solicit in this House the production of all such documents, as might furnish matter for a full and impartial inquiry into his conduct; that as the case might appear, he might subject himself to the animadversion, or entitle himself to the protection of this House, No valid reasons for secrecy have been alleged. Delinquency is no proper object of secresy on the one side or the other: nor can any depending measure of government be affected by a disclosure of that delinquency. The act is executed. If these vague general allegations of secresy may be urged to prevent inquiry, peers may be affected with suspicions utterly ruinous to their reputation with regard to the matters of highest trust, without any possibility of clearing themselves.

5. "Because it appeared in the course of the debate, without any attempt to contradict it, that the earl aforesaid did actively and effectually promote the service of the crown, and the public interest in Ireland, by encouraging through all fitting means, and discouraging by none, the zeal and affection to his majesty of his parliament of Ireland; by obtaining without delay, and with great unanimity, a vote of more than forty thousand men; by which the internal force of that kingdom was more than doubled; and by obtaining also a vote of two hundred thousand pounds for the better manning the navy of Great Britain—the first vote of the kind in the present war, and double to the sole example of the supply of the same kind, voted in the Irish parliament in the year 1782, as an acknowledgment of the vast and important con-

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cessions in legislation, commerce, and judicature, then made by the parliament of Great Britain; both those supplies to the service of Great Britain, were moved by Mr. Grattan, confidence in whom, has been imputed as blame to earl Fitzwilliam; though in the debate nothing was alleged to show that this distinguished person, called to his confidence and councils, had ever, during lord Fitzwilliam's government, made any other use of the estimation in which he is held in his country, than to perform this, and other similar services to his majesty's government; and to reconcile the minds of his fellow-subjects of that kingdom, to bear the burthens brought on by these services with chearfulness, and to co-operate with alacrity and unanimity in every means of giving them their full effect.

6. "Because it does not appear that the earl in question, during his administration in Ireland, did in any degree, or in any manner, subvert, impair, or weaken any one of the legal prerogatives of the crown, or abuse them to the prejudice of the subject, in any instance whatsoever. That in the arrangements proposed with regard to office, either in removals or appointments, it does not appear that the efficacy of his majesty's government, or the popularity of his majesty's measures, were at all impaired; or the unanimity and harmony of the nation disturbed; or the confidence in his majesty's government, as administered by him, in any degree whatsoever, lessened. To the great objects of government all official arrangements ought to be subservient; and by their effects on those objects it is to be determined whether the discretionary powers with regard to official arrangements necessarily invested in his majesty's ministers, have been in any instance properly or improperly employed.

7. "Because the unanimity and zeal in his majesty's service, which appeared throughout that kingdom, was owing to the hope held out that such arrangements as the late lord lieutenant proposed, would take place, namely, such as tended to demonstrate that those in whom the nation reposed much confidence, had obtained the confidence of his majesty's chief governor, and that those who had the misfortune not to obtain the public confidence, or at least not to obtain it in the same degree, were not to be predominant in the efficient offices in the kingdom.

8. "That it did not appear in the debate, that incapable or obnoxious men, or men of no lead or importance in their country, and therefore unqualified for rendering effectual service to his majesty, were the objects of choice in those arrangements.

9. "Because it did not appear in the debate, that any harsh or vindictive spirit was manifested in any proposed removals: as the most large and liberal consideration was observed to the dignity, the feelings, and the interests of the parties concerned.

10. "Because it did not appear in the debate that this provision was considered in the light of a corrupt and prodigal bargain; but that the people at large regarded it in a contrary light: it appears, that the estimation of that government was rather increased than impaired by the whole of those intended measures; and it is asserted and supported by abundant proof, that the defeat of those arrangements, with all their consequences, has excited a considerable discontent amongst the people of Ireland.

11. "Because the persons who, on account of their general estimation in their country, were taken into the confidence of the late lord lieutenant, had, previously to his government, given the most striking and unequivocal proofs of their attachment to Great Britain, of their power of subduing all their own private feelings; and of sacrificing to his majesty's service no small part even of their known animosities upon public differences, by supporting, out of office and out of confidence with the then rulers, the cause of British government in a very marked and distinguished manner.

12. "Because it appeared in the debate, that one of the matters of discussion between his majesty's confidential servants in England and the said lord lieutenant, had arisen on occasion of a bill intended to be introduced into the parliament of Ireland by Mr. Grattan, 'For the farther 'relief of his majesty's Catholic subjects 'in that kingdom.' Of subjects to be agitated in the parliament of that kingdom, this House can take no cognizance; but they may take cognizance of the conduct of a British peer, member of this House, and representing his majesty, for his conduct in his majesty's service, in any part of his dominions. If the late lord lieutenant gave countenance to any measure repugnant to that service, and in defiance to that authority, and positive instruc-

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tions given by his majesty's ministers here it forms a matter of constitutional discussion in this House.—Upon that point earl Fitzwilliam has alleged, that he is ready to put himself upon the judgment of this House; for he contends, that the motion for leave to bring in such a bill (which he admits to have been made at his express desire) did not afford cause of alarm or apprehension in any manner whatever. He contends, that the principle of such a bill was highly conformable to other former proceedings known to be countenanced by his majesty's ministers; nor does it appear by any thing alleged in the debate, that the countenance understood to be given by the late lord lieutenant for a further relief, could be a just ground for his removal; when a recommendation from the throne itself, by his predecessor the earl of Westmorland, in the year 1793, for advantages of infinitely greater extent that is to say, a general capacity for all offices and franchises (about thirty offices, and seats in parliament only excepted) has been made matter of merit.

13. "Because it appears for several years past to have been the policy of his majesty's British councils with regard to Ireland, and of the parliament of that kingdom, to remove the several civil restraints which had been made in consequence of religious differences; for all offices had been opened to Protestant dissenters, without any limitation whatever, by the repeal of the test in that kingdom, in the year 1779, 19 and 20 of his Majesty, chap. 6. From those dissenters no test whatever was exacted, in lieu of that from which they were exonerated. But for the Catholics, by an act of the 13th and 14th of his present Majesty, chap. 34. a test oath was proposed, for ascertaining the allegiance and fidelity of Catholics, as such. About four years after, that is, in the year 1777-8, 17th and 18th of George 3rd, chap. 49. in consequence of this oath, a strong legislative declaration was made, in which the principle, which had been gradually followed up by subsequent acts, is strongly and decidedly affirmed; for the preamble of that act, after stating certain penalties and incapacities under which the Catholics did then labour, thus proceeds: 'Whereas, 'from their uniform peaceable behaviour 'for a long series of years, it appears rea- 'sonable and expedient to relax the same; 'and it must tend, not only to the cultiva- 'tion and improvement of this kingdom, 'but to the prosperity and strength of all 'his majesty's dominions, that his subjects 'of all denominations should enjoy the be- 'nefits of our free constitution, and should 'be bound to each other by mutual inte- 'rest and mutual affection.' Soon after, that is, in the 21st and 22d of his present Majesty, chap. 24. it was again declared, that the Catholics, on taking the test oath aforesaid, 'ought to be considered 'as good and loyal subjects to his majesty, 'his crown, and government; and that the 'continuance of the laws formerly enacted, 'and then in force, against persons of the 'popish religion, are therefore unnecessary 'in respect to those who have taken or 'shall take the said oath, and is injurious 'to the real welfare and prosperity of the 'kingdom of Ireland.' Nothing can be more clearly laid down than the principle upon which the several acts of relief from the first year of relaxation, virtually beginning so early as the year 1773, twenty years before the passing the large capacitating act of the year 1793, was grounded, namely, the recognized allegiance, and reciprocal right to protection, held out upon taking this and other test oaths. It was plain that the policy of the legislature was, to affirm the principle as largely as possible, and to make the capacities follow (as they have practically followed) gradually, according as favourable occasions should offer. These acts have always been understood to have emanated originally from his majesty's gracious disposition, and to have proceeded to the government of Ireland, through the British cabinet. If these tests could not be deemed a security in the reserved cases, it is impossible to assign a reason why they were deemed a security in the hundreds of others, to which a capacity was opened by the act of 1793. The incapacitating reserves in the act of 1793, like those of the former acts, proceeding (though more slowly) upon the same declared policy evidently were not made upon their own declared principle. They were made in the regular progress of a system of enlargement, in order to compromise with the spirit of monopoly. But, it is asserted by earl Fitzwilliam, and nothing without inquiry can effectually contradict the assertion, that, whilst in reality the restrictions gave satisfaction to none, they caused discontent in many.—The Protestants regarded these exceptions with total indifference.—The Catholics looked on them as signs of suspicion and degra-

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dation: they considered them as marks (contrary to the declared policy of the acts) contrived to be set upon them by their enemies, to distinguish them as bad subjects, and bad citizens. The proceedings of their enemies leave in their minds no doubt, that these tokens of reprobation are kept as pretexts for affronts, contumelies, and injuries of all kinds; and for practically depriving them of most of the benefits of those capacities which the law seemed to hold out to them.

14. "Because it is alleged, that a bill for further relief was publicly known, as likely to be in agitation before the departure of the lord lieutenant from England; that he had no instruction whatever directly to oppose it, though an opinion was expressed, that it had better be delayed for a time of greater tranquillity; but the expediency of giving support to it was a matter left to his discretion, as, in the nature of things, it necessarily would be, on any subject, the principle of which was admitted, the fitness of the time being the only point of doubt, and which could only be decided by existing circumstances.

15 "Because it is offered in proof, that the late lord lieutenant was diligent in the search, and prompt in the communication to ministers of every information on the subject. That he soon found, that all hope of putting off the question was impracticable—that he had reason to think the present time for carrying the principles of the act of 1792 and 1793 to their full object, to be, of all others, most favourable—that he found the relief to be ardently desired by the Catholics; to be asked for by very many protestants, and to be cheerfully acquiesced in by almost all—that this circumstance removed the difficulties, on which the postponing the question could alone be desired—that he found the delays had created much suspicion and uneasiness amongst the Catholic petitioners, who were numerous almost beyond all example—that he found a bill on those petitions would infallibly and speedily be brought into parliament, and that many members were desirous to introduce it; and if this were the case, the measure might come into hands with which neither he nor the king's ministers had any connexion, which would leave with government only the disagreeable part of altering or of modifying, if any alteration or modification had been thought necessary by the British government depriving his majesty thereby of the whole grace and effect of what was done; that in this unpleasant situation he sent for Mr. Grattan, and desired him, as a person in his confidence, and who would act on the occasion according to what he and the ministers in their prudence, might suggest. That Mr. Grattan did consent, and did, at his desire, move for leave to bring in a bill for the further relief of the Roman Catholics. That the motion for leave was received with little discussion, and without any division. That no bill on the subject was in fact brought in—and that ministry were informed, that none would be brought in without their knowledge: nor until of late, and after lord Fitzwilliam's departure, was such a thing attempted. That the then lord lieutenant communicated largely all his ideas on the subject. That whilst the proposed bill was not yet introduced into the House of Commons, and whilst he was obeying their instructions, with regard to informations and opinions, he was suddenly removed, with the strongest marks of displeasure and disgrace. That on this state of things, no sufficient reason appears to exist, in this measure, any more than in the business of arrangements, for the unusual and alarming step of disgracing a lord lieutenant in the middle of a session of parliament, in which the business of his majesty, and of the whole empire, (as far as that kingdom could operate in it) was carried on with unusual unanimity and success, and with a very great concurrence without doors of all orders and descriptions of men. It is a step for which, on the debate, nothing was said to make it appear justifiable, and to render an inquiry concerning it unnecessary.

PONSONBY,
FITZWILLIAM."

"And the said earl Fitzwilliam, moreover protesting for himself, and on his own part, declares, that this House refusing such necessary investigation, he doth conceive and feel himself injured and oppressed as a british subject, as a peer of Great Britain, and as a person who has exercised an high and very responsible trust under his majesty. That he is not content merely to prove his innocence—that he was, and is, ready to make it appear to the House, and to his country, that in that trust he has acted faithfully, zealously, affectionately, dutifully, and diligently towards his sovereign—that he has acted with attention and practicability

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towards his colleagues in office—that he has acted with an enlightened regard to the true interests of the nation, which, under his majesty's authority, he was appointed to govern. That he stands upon the merit of his measures, and the prudence of his arrangements: that by them confidence was recovered to government. That he stands, for the justice and the policy of removing the few, feeble, miserable, inefficacious, but invidious restrictions, that remain on the Catholics of Ireland, as wholly useless for any good purpose, but powerful in causing discontent, both with regard to government and to parliament; as furnishing handles of oppression to the malevolent, and as supplying pretexts for disorders to the turbulent and seditious. That he should have shown a degree of incapacity, wholly to unfit him for his arduous trust, if he had acted on an idea, that the politics of this time, or that the present or probable future interests of states, do at all depend upon questions, whether of doctrine or discipline, either as agitated between Catholics and Protestants, or as agitated by Protestants amongst their several subdivisions. The church and state have enemies very different, and infinitely more formidable, than any which have their origin in any religious parties. He has for some time been persuaded, but most clearly so since he went to Ireland, that by good management the dangerous principles and tempers of the times, which have another and more recent origin, may be kept from taking root either in the church of Ireland, there happily established; or in the Presbyterian church in communion with that of Scotland, or in the church of the old natives of Ireland, communicating with that of Rome; or in any other religious sect whatever; but that through intemperate, vexatious, corrupt, or oppressive conduct, every one of these descriptions may be infected with this evil, in greater or lesser degree of extent and malignity, according to the degree of oppression or indiscretion, with which they are severally treated. He was, and is, convinced, that the best mode of resisting this reigning danger, either from within or from without, is not to be found in a plan for reviving, by art and influence, prejudices and heartburnings expired, or ready to expire, or of sowing the seeds of eternal discord and division between the people. During his government he had nothing to complain of the dispositions of any religious description as such; and his principles of government led him to cultivate the union which he plainly saw of itself commencing between them. It was his constant endeavour, by every means, to combine the minds of every sort of men, churchmen, Presbyterians, and Catholics, of every the least proportion of education, talent, influence, or property, in affection to their common sovereign; to combine them in one bond of common interest, and in one common effort against our common enemies, the known enemies of all religion, all law, all order, and all property. He has had the happiness of seeing all this completely accomplished. An unexampled concord amongst the people; an unexampled zeal for the support of the crown had taken place: but he is not responsible for the effects of a system, which proceeds in a contrary direction to that which he pursued; he is not responsible for the effects of a system which supports men in whom the public has little confidence, and contumeliously rejects the service of those who have obtained the good opinion of their country—a system which endeavours to supply a comparative defect of ability, by an unmeasured increase of influence—a system which rejects the opinion and information of persons in high and responsible situations, and listens to the interested representations of subordinate office—a system which, inverting the whole order of things, introduces anarchy into the very seat of government, by publicly and avowedly supporting the instruments against the agent—a system, which, finding the body of the people disposed to look to the crown as their security against oppression from domestic factions, employs all its influence, power, and authority, to support those very factions against the people who fly for refuge to the crown. For the opposite system he has suffered the unparalleled mark of displeasure which has been shown to him. He is willing to suffer more, rather than abandon it. He will remember, with a warm and lasting gratitude, and a cordial attachment, the weighty persons in parliament, and all the respectable bodies and individuals by whom he was generously encouraged, and honourably supported in a different plan of government, from that which derives its support from the corruption of one part of the people, and the depression of the other.

"FITZWILLIAM."

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Debate in the Commons on Earl Fitzwilliam's Recall from the Government of Ireland.] May 19. Mr. *Jekyll* addressed the House as follows:—In bringing forward this question, it may not be improper to declare that I stand, both politically and personally, wholly unconnected with that noble person, whose reputation is involved in the discussion: disapproving even of a great part of his public conduct, and particularly lamenting his secession from that phalanx, to which, for a considerable time past, I have looked as the salvation of the empire. Public character I regard as public property, ever to be held sacred, till it has openly been forfeited, and not to be frittered away by indirect attack, or consigned to censure without inquiry. If we are to believe the assertion of the noble earl, his public character has been impeached by his recall from the government of a neighbouring kingdom. And here I hope I am not to be told that the prerogative which empowers the crown to dismiss its officers at discretion, operates as a bar to any inquiry in the present instance. I am friendly to the just exercise of the prerogative on all proper occasions; but where the House see a minister stretching the prerogative for particular purposes, and beyond ordinary bounds, I am aware that they are possessed of an inquisitorial power to examine into the grounds of such extraordinary and unwarranted exertion of an authority delegated by the constitution, and, if they shall find necessary, to confine that prerogative within its fair and natural limits. It is particularly the business of the House to watch over the extension of court influence to the sister kingdom. This jealousy of court influence is a principle which ought to actuate the legislature of both countries, and this vigilance to guard against its progress in either, a duty of reciprocal protection which they owe to one another. That on this score there is ground of serious alarm, cannot be denied. Let the House only advert to a question formerly brought by that great lawyer (Mr. Dunning), whose seat I now unworthily fill, and adopted in a resolution, "That the influence of the crown had increased, was increasing, and ought to be diminished." It will not surely be contended that the danger is less now than it was at that former period.—I think it must be admitted, that the recall of a viceroy of Ireland by the cabinet of this country, at a time that he was acting with the greatest applause of those whom he was appointed to govern, and that addresses from all quarters were heaped on his table, is tantamount to a charge of not doing his duty. On a former day, the chancellor of the exchequer declared in his place, that whenever the period for investigation came, he should undertake to prove that no blame whatever attached to the ministers of this country. This declaration I must consider in every point of view as a charge against the noble earl. In this light it was considered by the noble earl himself, who, in a pamphlet which is published with every proof of authenticity,* puts a direct and complete negative to the charge. In this pamphlet the noble earl represents, that, previous to his assuming the government of Ireland, the duke of Portland and the whole of the cabinet, concurred with him in his opinion on the question of catholic emancipation, and that had he found it otherwise, he never would have undertaken the government. Under this conviction he sets out and arrives in Ireland: he there finds it impossible, both from the situation of the country, and the opinion of the most respectable individuals, to resist the immediate discussion of the question. And here it is material to attend to dates. He writes two letters to the noble secretary of state, stating to him what was the situation of the country, and the mode of procedure which he should, in consequence, find himself compelled to adopt. Of neither of these letters was any notice taken; and the noble earl drew the conclusion which any rational man would have formed in the same circumstances from the silence of ministers, namely, that their silence gave consent. Four weeks were suffered to elapse before the noble earl received a letter from the duke of Portland, putting a direct negative on the business. At last comes out the *fons malorum:* the noble earl had thought necessary as a measure of his government to dismiss from office the family of the Beresfords, who, whatever might be their claims in other respects, were, at least, no favourites with the public. And here I cannot help noticing a piece of conduct adopted by the right hon. gentleman in the management of this business; the duke of Portland is the person selected from the rest

* Two Letters from earl Fitzwilliam to the earl of Carlisle.

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of the cabinet, on this occasion, to wound the fame and the feelings of his friend. This is a refinement of cruelty in which the right hon. gentleman excels; it was not enough simply to murder the reputation of the noble earl, the hand of a friend must be directed to plunge the dagger in his bosom, "Cruelly," says the noble earl, "as the duke of Portland has treated me, I feel no difficulty to say, that his judgment was deceived before he abandoned me: on whatever ground he has suffered himself to be induced to change his former opinions respecting the politics of this country and the characters and views of its principal personages, he did change those opinions; and, in consequence of that change alone, he has been driven to consent to the measure of my instant recall." At last the chancellor of the exchequer himself comes forward, and tears of the veil. In a letter addressed to earl Fitzwilliam he tells him openly the grounds of his removal. He says, "that on the subject of arrangements, he felt bound to adhere to these sentiments, not only with respect to Mr. Beresford, but to the line of conduct adopted in so many instances towards the former supporters of government; by these sentiments he must, at all events, be guided, from a regard to the king's service, and to his own honour, however sincerely he might lament the consequences which must arise from the present situation." Here the interest of the Beresford family, and of the former supporters of government, is held out as the only ground of dissention; the question of the Catholic emancipation appears to be a mere stalking horse assumed by ministers for the convenience of the occasion, while at the same time every hireling paper on the side of ministers was representing the conduct of the noble earl on that question, as a source of the mort serious alarm to ministers, and as pregnant with consequences the most mischievous to the country in which it was agitated; consequences which could only be obviated by the immediate removal of the noble person from office. All the while, says earl Fitzwilliam, it was the object of the right hon. gentleman "not to strengthen administration by an accession of character, but to debase, degrade and disgrace that character; he did not wish for our assistance, but knowing the importance we gave to the system then pursuing relative to France, he snatched at the opportunity, and made that the means of disgracing our characters, and rendering us fit for no other service but to be his vile tools and instruments." If this turns out to be the fact a scene of more gross duplicity, of more scandalous dupery was never exhibited. Here, then, was a virtual charge, and a recrimination upon which to found an inquiry. But this is not all. In another place, to which the etiquette of parliament does not allow me more particularly to allude, a noble person (lord Westmorland) came forward, and dissolving all the regard which had been so affectedly attached to the oath of secrecy of a cabinet minister, said that the chancellor of the exchequer had assured him, "that earl Fitzwilliam had no authority whatever from ministers in this country for taking the steps which he had done on the Catholic question;"—nay, he went farther, and said, "that they were steps taken not only without their authority, but even with their positive disapprobation." Mr. Ponsonby, in the House of Commons in Ireland, broadly stakes his reputation, "that all measures adopted with respect to the Catholic question, under the administration of earl Fitzwilliam, were taken with the previous concurrence of the cabinet of this country." Here, then, we have the charge, the defence, and the recrimination. Under these circumstances, will the House decline to go into an inquiry, on a transaction which involves the public character of a distinguished nobleman, perhaps the dismemberment of the empire, and, at any rate, a great and important constitutional question? Perhaps it was the intention of the right hon. gentleman to degrade the character of public men in the eyes of the nation. It might be part of his system to degrade all those with whom he acted. Where now are his original friends? The degradation of his new allies, he might consider as the best security for their future support. He might feel it to be his policy to degrade others, as it was only from the degradation of others, that he could himself possess pre-eminence. This system he had in many instances attempted to practise, though in all he had not been equally successful. The public voice had reversed the imperious decree, and attached to a removal from office, by that right hon. gentleman a sentiment very different from that of disgrace. Here it may be proper to advert to the unhappy situation of Ireland.

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The age of bigotry is now over; a difference of religious opinions is no longer considered of that consequence which was attached to it by the mistaken and intolerant policy of former times. Of four millions of inhabitants in Ireland, three and a half are estimated to be Catholics: let us recollect the advantages we derive from that country, with respect to our fleets and armies, and then say, whether we ought to refuse to so large a body of men those enjoyments, to which they have the most undoubted claims? but not only have these common privileges been refused under former administrations: oppression has been aggravated by insult; a fallacious hope has been lately held out to them of relief, and they are now to be driven to despair. They are now distinctly told, that they are not to look for any redress. And at what moment is this line of conduct adopted to this numerous and aggrieved body of men? At the moment that France has become a great and warlike nation, and is likely to remain warlike for ever. The language of conciliation, I well know, is not pleasing to the right hon. gentleman; but I will frankly tell him, that, if it is not adopted in this instance, he may perhaps lose Ireland. Corruption, it was to be lamented, had in former times existed in Ireland to a very great degree. But what must we think of the minister, who attempted to make corruption the cement of the government; who preferred the interests of a junto, to the welfare of a nation; who wished to govern through families of monopolists, instead of teaching the country to look to their common father. Why is the church of England established, but because it is the religion of the greater part of the inhabitants; and what danger could arise to the Protestants of Ireland, from a participation of privileges with their Catholic brethren? I trust I shall not to-day hear, in opposition to the motion, the common-place topics of the prerogative of the Crown, the necessity of state secrecy, the delicacy of the transaction, and the danger of any exposure of correspondence on public business. If this veil of state secrecy, is always to be obtruded before our eyes, there is an end of all responsibility on the part of ministers. As to the delicacy of the question, he knew of no delicacy which could lead to the refusal of an opportunity of clearing the character of an estimable man who felt his reputation injured. If earl Fitzwilliam is guilty, he ought to be accused and censured, but if the Catholic question has been made the colourable pretext of the removal of the noble earl, while the real object of the minister has been to degrade his character —if that noble person has been vilely calumniated with respect to his public conduct, and is now refused the inquiry necessary for his exculpation—there is no disgrace which present times or posterity ought not to heap upon the head of a minister, who, while base enough to inflict the deepest injury, has at the same time the insolence to reject every demand for that redress, due to the wounded feelings and insulted character of the noble earl. Mr. Jekyll then moved, "That an humble Address be presented to his majesty, praying, that he will be graciously pleased to direct, that there be laid before this House such part of the correspondence between his majesty's ministers and earl Fitzwilliam, late lord lieutenant of Ireland as relates to the motives and ground of his lordship's recall from the government of that kingdom, during a session in which the two Houses of Parliament had voted their confidence in him, and their approbation of his conduct, and had granted supplies for the general exigencies of the state with a munificence unparalleled in the annals of that country."

Sir *W. Milner* bore ample testimony to the honourable character of earl Fitzwilliam. He thought an inquiry was highly necessary to satisfy the public mind upon this important subject, and trusted that it would not be refused.

Mr. *Powys* put it to the House, whether it would become their wisdom to entertain a motion which was a vehicle of general invective against his majesty's ministers. What advantage could be derived to the nation at large, or to the respectable individual more immediately concerned, from the inquiry now proposed? If he conceived this inquiry essential to the character of the noble earl, he should not be prevented from voting for it by any consideration whatever, unless compelled to refuse such an inquiry from a sense of public duty. He objected to this inquiry, because to grant it, would imply that there was criminality somewhere. The noble earl was appointed to an important station under the government of this country. That appointment met with general approbation. Very shortly after this appoint-

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ment, a fatal difference of opinion arose between ministers and the noble earl, which rendered it impossible for him to continue; consequently, he returned. He was far from stating, that the loss of such a person, was not a very serious thing; but he must add, that there was no blame imputed or imputable to the noble earl. The noble earl had, in another place, boldly stood forward, and called for accusation. What was the answer? That there was no accusation against him; and there the matter rested. A noble duke in another place, had called for inquiry. What was the language held in answer to that application by ministers? Did they not bear testimony to the character of the noble earl? What farther could be required? What sort of justification could he receive from a discussion in that House, with such materials as they would have before them? Now, supposing the inquiry to be gone into, what was to be the result of it? Were we to look to the reinstatement of the noble earl? That, he would dare to say, would not appear wise in the opinion of the noble earl or of the public. Was it to remove the ministers, who had been the authors of his recall? Admitting blame to be imputable somewhere, that blame could not be made the ground of his recall, nor should it be a ground, perhaps, of removing ministers. Was it for that House to pass judgment on the proceedings of the sister kingdom? Was it a matter of sound policy for that House to dictate an opinion on the legislature of Ireland? The learned gentleman had stated, that every man who was removed from any office under government was disgraced, if he had not an inquiry into his conduct. He begged leave to dissent from that principle. If every person thus dismissed was to be considered as stigmatised, there would be a wide field indeed for the inquiry of that House. He thought the motion calculated to disunite friends, instead of being serviceable to the country. He trusted the majority would join with him, in endeavouring to heal the wound, instead of increasing it. In this hope and expectation, he had, without consultation with any one, formed a determination to take the best step, which, in his opinion, could be taken, to pass by this discussion; and therefore he now moved the other order of the day.

Mr. *Fox* said, he certainly could not like his hon. and learned friend, who made the present motion allege that he had no particular acquaintance or intimacy with the noble earl; he could not possibly deny, that, through the whole of his political life, he had a friendship for the noble earl, a friendship, and an intimacy in private, and until lately, a connexion in political affairs; a friendship formed on such a basis that no difference of opinion upon any subject could entirely do away. He thought he had a right to say, and he expected to be believed when he said, that however great such friendship might be, it could not warp his political opinion, nor affect his political conduct; for, however, pleasing the preservation of that friendship and connexion might be, he had never so regarded them, as not to consider them inferior to the consideration of his public duty, with which he never had nor should place any thing in competition; therefore this good he hoped would result to him, that as he had been so unfortunate as to differ from that noble earl upon political topics, the public would have no doubt that he was actuated by pure principles in endeavouring to promote the inquiry which was now proposed.—This inquiry was called for upon two grounds which were distinct from each other: first, with regard to earl Fitzwilliam personally; secondly with regard to the interest which the public had in the inquiry. The first of these was certainly the least important: but even supposing that the first was the only ground, he was of opinion it would have been sufficient to call upon the justice of the House to accede to the present motion. He confessed he could not go to the length of agreeing entirely with his honourable and learned friend, that a dismission by administration of any individual must be regarded as a personal censure, but he agreed entirely that in this case an attempt had been made by his majesty's ministers to convey some censure on the character of the noble earl. He allowed that the prerogative of the crown to dismiss its officers, was such as was not upon all occasions to be questioned; but when exercised in an extraordinary manner, it became the duty of that House to inquire into that exercise; and although he did not allow that every dismissal conveyed a censure upon an individual dismissed, yet he could not go the length of saying, that no circumstances under which a person may be dismissed could convey a stigma. In this

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case, he believed, the common sense of mankind was, that ministers had, in the manner in which the noble earl had been recalled, attempted to cast a stigma upon his character. There must be one of two reasons for the dismissal of the noble earl; either that he exercised his power as lord lieutenant very improperly, or that he misunderstood his instructions. Some strong reason the public must expect to have occasioned his recall, since it was a circumstance attended by great public inconvenience, great public risk, and many very strong remonstrances. Earl Fitzwilliam told us that he was dismissed, not for misunderstanding his instructions, not for making improper use of his power, but for acting as he had been taught to think, in the manner which was the most agreeable to his employers. He told us, that he had been dismissed for acting in direct conformity to the instructions he received from the cabinet of Great Britain. But, if what had been declared in the parliament of Ireland was true, he acted not only contrary to the intentions of those who employed him, but with great imprudence and impropriety. If this be true, he was guilty of a great crime, for imprudence in a character of such eminence was a great crime. Here therefore, earl Fitzwilliam and ministers were at issue. The parties differed upon the fact, and it was right the public should know the real truth between them. Earl Fitzwilliam understood his recall as a stigma on his character. It was true, that the act itself might or might not be a stigma, because that depended on the circumstances that created it. But surely, in the common sense of the thing, the recall must be deemed a disapprobation expressed by the censure of his majesty's ministers with respect to the conduct of the noble earl, and that too of the most extraordinary kind.

Here Mr. Fox proceeded to read some parts of the letters of the noble earl upon the subject, wherein he states the understanding between him and the cabinet upon the question of the emancipation of the Catholics; and wherein he justifies himself for the part he had taken upon that subject. Ministers alleged, there was no such understanding between them. The question, then, for the House to inquire into was this: Was the statement of earl Fitzwilliam true or false? To ascertain this, was the object of the present motion: and it was an important object. The character of the noble earl had been said to be unsullied. He hoped, he trusted, and he believed it was. But why was it so? It was from the impotence of his enemies, for, if their conduct had been right, the character of the noble earl, instead of being unsullied, must have been highly criminal, as they had given to the public more than insinuation upon that subject. It had been alleged also, that this motion tended to excite animosities; particularly by the hon. gentleman who moved the other orders of the day. He disclaimed all ideas of exciting animosity. Some of the parties in this dispute had been old friends, and while he was a friend of theirs, he saw them always as brothers. In their old friendship and connexion he witnessed nothing but honour, confidence, friendship, and attachment. It was only after they had got into their new company, that they found discord, distrust, and animosity. Such was the fate of their new connexions. Had the noble earl continued united with his old friends, he would not have been brought into his present disagreeable situation. But when he formed his new connexions, he found he had got into a family compact, with whose principles it was impossible for him to agree. The consequence was, that the parties quarrelled, and bitterly accused each other. He remembered the time when it was fashionable to accuse certain gentlemen of having formed a political connexion which was supposed to be a species of aristocracy, hostile both to the prerogative of the Crown and the interests of the people He always thought that observation a ridiculous one; but if the chancellor of the exchequer had ever any real apprehensions of the danger of such a coalition, he had acted wisely in the last step he had taken upon that subject: for by entering into a coalition himself with some branches of all parties, he had completely destroyed any danger from them all.

With respect to the other part of the subject, which he owned appeared to him to be the most important one, namely, the interest which the public had in this inquiry, he must observe, in answer to the question. For what purpose was this subject to be discussed? that the public had a right to complete information as to who the persons were whose conduct had created such public inconvenience. If mischief had been done, if danger had been occasioned, it was fitting the public

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should know to whom it was owing; it must be owing to his majesty's ministers or the noble earl. Nothing could clear up that point but the inquiry proposed in the motion now before the House. Then, certain gentlemen came with a covering to the whole subject; they objected to this inquiry because they did not know that the result might not be the removal of his majesty's ministers. Now, he owned, it did not appear to him, that if ministers should, upon this inquiry, deserve the censure of the House, they should therefore necessarily be removed. The hon. gentleman who spoke last had gone so far as to say, that even if it appeared to him that ministers had mis-conducted themselves, he should not vote for this inquiry, for the cause in which they were engaged was more important than even the union of the empire. Now, he wished the House to mark the end of this; for under such a principle no inquiry could ever take place: the cause in which we were engaged, according to this doctrine, must supersede every other subject. Let the public know that this was the sort of answer that was to be given to all questions, when the conduct of his majesty's ministers was proposed to be discussed. If this was to be really the practice of that House, he thought it was but fair for the House at once to say so, instead of betraying their constituents, by pretending to hold a power of inquiring into any circumstances relative to the conduct of the servants of the crown. It would be better and more honest, at once to say, that the functions of parliament should be suspended until the end of the war, than to sit there day after day, to act mockery after mockery, and to pretend to have any idea of inquiring into any thing, the possible result of which might be the removal of the king's ministers.

Much had been said of the dangers of such inquiries as these. He was of opinion that the greatest of all dangers that could possibly threaten a free state, was that of ministers being enabled to go on, without censure, with any plan which their ambition, folly, or madness might suggest; this was the danger which threatened this country; it was from this we had suffered, were now suffering, and he feared were still doomed to suffer much calamity. He would say, that the imagination of man could not conceive any thing more injurious to the true interests of this country, than that of refusing an inquiry into the conduct of the ministers of the crown, merely because such inquiry might lead to their removal. It was this, as he had before stated, that had brought on all our disasters. He would ask the House to look at the situation of this country in the year 1792, and to compare it with our situation now, and then to tell him whether they thought it possible for distress to have been more dreadfully accumulated upon us by any combination of misfortunes. Let us, therefore, reflect upon our situation, and let the House adopt the old practice of a good House of Commons, entertain its constitutional jealousy, and institute inquiries independent of all considerations as to the result leading to a removal of any administration. Here Mr. Fox compared the dismissal of earl Fitzwilliam with the resignation and dismission of lord Carlisle, lord Temple, lord Northington, and others, and pointed out the difference between this and all of them. In the cases of all those noble persons, the dismissals and resignations arose in consequence of the change of administration, and therefore they differed entirely from the present.

Some persons might, perhaps, object to this motion, as the very words of it conveyed an idea, that it was dangerous to suffer any inquiry whatever to take place, as it stated circumstances, which went to infer that Ireland was in danger. The conduct of earl Fitzwilliam was certainly very dangerous. But to whom was it dangerous? To the people of Ireland? By no means. It was dangerous only to the few individuals whose plan it was to govern Ireland by corruption: it was dangerous to those who held the interest and the sentiments of the people of that country in contempt, and therefore the cause of the removal of the noble earl upon that principle was easily perceived. The noble earl was, he believed, the only person who had the good fortune to obtain the applauses of all the Catholics and dissenters of Ireland; the only person who, since the accession of the House of Brunswick, had been able to unite all parties in that kingdom; and that, perhaps, to his majesty's present advisers, was a sufficient reason for his recall. Here Mr. Fox entered into a short history of facts with regard to the administration of earl Fitzwilliam in Ireland; as also of the applications

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which were made to the throne by delegates from that country on behalf of the Catholics, and maintained the right which the House of Commons of Great Britain had to institute inquiries into public matters which related to the interests of both. He was of opinion, that what had been allowed to the Catholics in that country and in this, so far as it went, was highly proper; but that while there was any distinction made between them and the Protestants with regard to political rights, they would still continue to have claims upon the justice of the legislature. His opinion, indeed, was well known to those who had done him the honour to attend to him; it was, that at all times, in all countries, and upon all occasions, there should be no distinctions in political rights, on account of religious opinions. He thought that the prejudices of the people were, generally speaking, worthy of attention. But when prejudices bent against the general principles of toleration, he did not thing them entitled to much respect. What was the case in Ireland when earl Fitzwilliam became lord lieutenant? When he arrived in Ireland, he found that the Protestants, so far from having any alarm at the idea of the emancipation or the Catholics, all wished for it; when his recall was known to be about to take place, there was only one place in the whole kingdom where alarm was affected to be felt, in consequence of the plan proposed in favour of the Catholics; and even there the vote upon that occasion was carried by a small majority, and therefore it was demonstrable, that the almost unanimous wish of the people of Ireland was for the entire emancipation of the Catholics. Nor was this wonderful, for the people of Ireland had sense enough to distinguish between the effects of slavery and emancipation.

It was said that no man could wish to see, under the present circumstances, earl Fitzwilliam restored to the government of Ireland. That the noble earl, considering his recent experience, would be very willing again to hazard his comfort, his character, his reputation, under the control of those who had already betrayed him, was extremely doubtful; but, from what he knew of the disposition of that nobleman, he believed he would be as ready to sacrifice every thing that related to his own ease for the public good, as any man in the kingdom; but yet he thought, after what had already happened, he must hesitate a good deal before he would say, "I am ready to go to Ireland during the continuance of the present administration." Such an event would certainly be desirable, for the noble earl was popular throughout the whole kingdom, as was evident from the addresses of all considerable towns, from Belfast to Cork, and also from what had passed in the city of Dublin. To please every man was impossible, but earl Fitzwilliam had pleased the House of Lords of Ireland, and the House of Commons, who had granted, during his administration, supplies that were unparalleled in extent. He had pleased the Catholics of Ireland, and the Protestants of Ireland. He had appointed a learned, reverend, and pious prelate (to whose character Mr. Fox bore testimony of esteem in the most handsome terms) to the primacy of the country in the most disinterested manner. The noble earl, in short, had pleased the mass of the people in Ireland, but he had displeased a few individuals, Mr. Beresford and two or three more. Thus, when the people of Ireland were put into one scale, and Mr. Beresford and a few individuals into the other —the people, with all their weight, flew up, and the interest of Mr. Beresford preponderated.

When this subject had been mentioned by him on a former occasion, and when he had given it as his opinion that an inquiry should be instituted, the chancellor of the exchequer asserted that his majesty's ministers had done nothing in the affairs of Ireland for which blame was imputable to them, and that it would so appear when an inquiry should take place. This, Mr. Fox said, convinced him the moment he heard it uttered, that no inquiry would ever be consented to on the part of his majesty's ministers; for it was their constant practice, whenever charged boldly, to assert they were not guilty, that they were ready to prove it whenever an inquiry should take place, and when afterwards that inquiry was proposed, to refuse to grant it. Of this they gave a specimen, when the secretary to the treasury (Mr. Rose) had been called upon to account for his conduct, in a case which had been investigated in a court of justice. He therefore would continue to say, that if this inquiry was entered into, to use a phrase which had been applied by a right hon. gentleman (Mr. Windham) upon another occasion, the minister and his troops would be

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found to be covered with nothing but filthy dowlas. He owned it appeared to him impossible, upon any principle of integrity, to refuse entering into this inquiry. Facts were alleged on one side, and, if not contradicted, were certainly not admitted on the other; and therefore, as the subject was important, that was sufficient ground for an inquiry. Earl Fitzwilliam alleged, that administration had deceived him; he said so in plain words. There might be some passion mixed with his narrative—how could it be otherwise? Where was the man, who, under such circumstances, would be totally free from passion? But, after making all allowances upon that head, it must be admitted, that the facts alleged by the noble earl, and not admitted by his opponents, were of such a nature as to demand inquiry in that House. The noble earl alleged, that in reality his dismissal of Mr. Beresford was not the cause of his disagreement with his majesty's ministers; that the real cause of his recall was, the determination of the chancellor of the exchequer to ruin his reputation as a politician, and with it, to ruin the reputation, and finally to get rid of, the whole of his new federates, whose character might stand in the way of any of his measures.

Mr. Fox said, he did not pretend to say what were the motives of the minister which led to the conduct he observed upon that occasion. He should not enter into a minute detail of the facts; but this he would say, that it was essential for the public to know the whole truth upon the subject. He had heard, as had been alleged that night by his learned friend who made the present motion, that, in another place, there had been a very fair and frank declaration, that, upon application being made to the chancellor of the exchequer to know his sentiments on the conduct of earl Fitzwilliam, he explicitly disavowed the whole of it. Earl Fitzwilliam, on the contrary, insisted, that with that very minister he had conversed upon that subject, that he had communicated his sentiments to that minister, had stated his intentions to him, all of which he expressly approved. Upon such a difference of assertion, he would ask that House, was it or was it not fitting that they should inquire, and be satisfied how the facts stood? He might think that the removal of Mr. Beresford was not an event in itself of great importance; but when such a man as Mr. Beresford was put in competition with the united wishes and the common interests of the whole people of Ireland, Mr Beresford rose into great and striking importance, and in that view the circumstances became worthy of the inquiry of that House.

Here Mr. Fox took notice of some disputes which commenced in October last, between the two parties of administration; he spoke, he said, from public rumour only, having no specific knowledge on the fact. From that rumour he understood a plan was in agitation to sever the whole of the new administration from the old, and he did not think there were any persons qualified to form an opinion upon the subject, who doubted the truth of that rumour. He certainly lamented that any of his old friends had joined the present administration, or had formed any connexion with them: but he was ready still to regard their characters with tenderness, and therefore he wished to support every inquiry that was necessary to vindicate their honour. That earl Fitzwilliam should have pursued the measures he did in Ireland, was perfectly natural. Long before that nobleman became lord lieutenant of that country, he had ceased to converse with him upon political subjects, because he knew they differed; but yet he was perfectly satisfied of the course which the noble earl would take during his administration in Ireland. It was as natural to expect that he should have pursued the plan he did, as if he (Mr. Fox) were to be minister to-morrow it would be natural to expect he would make some attempt to negociate with France. It was said when earl Fitzwilliam was appointed lord lieutenant of Ireland, there would be an end of the old system of government, of the influence of the Beresfords, and there would of course be a complete emancipation of the Catholics. Therefore, it was extraordinary to affect surprise at the part which earl Fitzwilliam took upon that occasion. There was something extremely singular in the manner in which some gentlemen affected to say that the recall of earl Fitzwilliam from the office of lord lieutenant of Ireland was no insinuation by ministers against his character; and yet that these gentlemen should insist upon it that the dismissal of Mr. Beresford by the noble earl was a direct attack upon his character. Now, he wished to know which of the two events was the more important? Had Mr. Beresford been dismissed for ever, did the House believe that there would

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have been an address and remonstrance from the Catholics in consequence of that event? The truth was, that facts spoke for themselves too plainly in this case. Earl Fitzwilliam was popular in Ireland; but popularity with the people was one thing — popularity in the king's cabinet another.

After having exhausted all their shifts upon this subject, the king's ministers found out by accident, that to give complete emancipation to the Catholics was a thing dangerous in some degree to the king's coronation oath. This was a sort of objection which it was very difficult to state gravely; and when he saw men of sense attempting to make use of it as an argument, he was led to conclude that it was adopted merely as an evasion; for surely, when men capable of forming a just opinion upon things assigned a reason which could not be stated to children without exciting their ridicule, the real reason must be such as it did not suit their characters to disclose. The learned and the pious prelate to whom he had already alluded (archbishop Newcombe), and whose province it was to guard against any dangerous innovation in religion, had been able to discover none of this alarming hostility to the king's coronation oath, nor had any of the people of Ireland or of England in the measure of Catholic emancipation. But the chancellor of the exchequer and the secretary of state, in the plenitude of their piety, and their zeal for the due observance of religious rites and ceremonies, forsooth, had lately made this discovery!

The next point to be considered, was the opinion which the mass of the people of a country entertained of the government under which they lived. He knew there were some who affected to despise that idea; but they were weak, shallow, miserable politicians. He knew that Ireland was in that respect in a very dangerous condition. It was essential to the welfare of a country that the common people should have a veneration for its laws. This was by no means the case in Ireland; and why? Because the law was there regarded as an instrument of oppression, and as having been made upon a principle of pitiful monopoly, and not for the general protection, welfare, and happiness of the mass of the people. It was too common there for the lower class of the people to resist the execution of the laws. Theft itself was not regarded by them with the same abhorrence as with us. Indeed, if we would have the mass of mankind regard our laws with veneration, we must make them feel the benefits of them; show them that they are equal, and alike administered to all without distinction. It was this principle which made the laws of England so much the object of our admiration; it was this which made the people parties, as it were, in the execution of the laws; for when any one infringed them, a prosecution against him was generally a popular measure. What he said with regard to laws, was also applicable to religion. He would have religious toleration as equal as the laws of England, and that all men should be estimated in society, by their morals, and not by the mode of religious worship. To root out prejudices altogether was not a thing to be accomplished at once; but it was a thing to be attempted, and every step towards it would be an advantage to the country. Such was the plan of earl Fitzwilliam, which, instead of being aided as it ought, was thwarted by the measures of our ministers. They had renewed the old plan of corruption, which had made the government of that country odious; this was too well authenticated to be doubted; it had been stated publicly in the House of Commons there, by a gentleman whose talents were highly eminent, and for whom, notwithstanding some little differences upon political subjects, he had a high esteem, (he meant Mr. Grattan); that gentleman had stated that peerages in Ireland, instead of being a matter of honour, were an article of sale: that they were purchased from the corruption of seats in the House of Commons. He had heard much of the influence of the crown in this country. He believed it to be as great as it was ever stated to be. But in Ireland corruption had been publicly avowed and acted upon. Such a government must certainly be in a very decrepid state, and therefore any plan for the relief of the people was highly necessary. What then, were we to think of ministers, who held out an encouragement at one time for such a plan, and afterwards recalled a lord lieutenant for attempting to carry it into execution?

The question, therefore, rested upon the cause and the manner of the recall of earl Fitzwilliam; and upon that subject it was impossible fairly to pass by the conduct of his majesty's ministers, without inquiry. He had heard much said of the danger of investigating this busines; danger, he ad-

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mitted there was, not from an inquiry, but from abstaining from investigation. He had heard also a good deal said about the honour of his majesty's ministers. Upon that topic he was not concerned; they would defend their honour, and deal with it as they might think best. Earl Fitzwilliam desired only an investigation of facts; in which, he said, his honour was concerned, and also the interest of the nation; and therefore he thought it imported the House to institute the inquiry. He knew indeed, that if earl Fitzwilliam had adopted the plan which others had set for him, he might long since have been very easy: he might have had an opportunity of accepting a good place; ministers would have said, "It is true you have uttered some hard sentences against us, but now we are good friends, every thing is understood between us." But the truth was, that earl Fitzwilliam did not enter into what was called the spirit of the present administration, that was to say, he did not sacrifice his character for the purpose of putting himself upon an equality with them. He had, thank God, not entered into that spirit: he said, thank God! for no political difference of opinion ever had, or ever should, destroy his friendship for that noble person. Earl Fitzwilliam had acted honourably; he called for inquiry; he stated his claim to it; he had a right to demand it of the justice of that House; his honour was in their hands, and therefore they ought to grant him an inquiry. Should the House refuse it, Mr. Fox declared he knew not, among the various names that had been given to various parliaments, what name to give to the present parliament; it certainly was not an inquisitive parliament. They had seen large subsidies granted, and they had not inquired into the services performed; they had known alliances entered into, and our allies afterwards desert us, and they had not inquired for what reason; they had seen our armies defeated, and they had not inquired into the causes of such failures; they had seen this empire nearly ruined by the conduct of the king's ministers, and they had continued their confidence in such ministers. It was for want of inquiry we had been brought into our present calamitous situation. Knowing this, he must leave it to the wisdom of the House to reflect on the consequences of continuing to refuse inquiries into subjects in which the prosperity and happiness of this and the sister kingdom were so deeply involved.

Mr. *Pitt* said, that whatever effect might be produced in the minds of some, by the efforts of the hon. mover, and of the right hon. gentleman who followed him, to persuade the House that his majesty's ministers wished to avoid the proposed inquiry, from a consciousness of misconduct, he was almost confident that he should have the sense of the majority of the House with him in the part he proposed to take. Feeling what the strict line of his duty, as a member of the executive government was, he was convinced that he should betray that government, if he agreed to give a verbal explanation of the subject in hand, when it could only, from its nature, be effectually known by a thorough investigation of the whole of the correspondence which had taken place during the time of lord Fitzwilliam's residence in Ireland; a proposal to do which, he averred, could not proceed from substantial purposes of sound policy, or from any well-grounded sense of public expediency or private justice.—Whatever the view of the motion might be, it was impossible to enter upon it to any effect, without going at large into a complete investigation of the whole. And whether the House would agree to take a step at once so indelicate and dangerous, as to open the secret transactions of government, was a question that he would not insult their patriotism or their wisdom by doubting.—If an inquiry, however, was to take place, it could only be properly done by application to the throne, and not by an inquisition of the confidential servants of his majesty, who were withheld, by the very nature of their office, from promulging the secrets of the cabinet. He assured the House, that whatever advantage might be made of his silence, he was too much accustomed to such treatment, not to sacrifice the first feelings of his temper to the deliberate sense of his duty.—Having said thus much, he would proceed to the points of the question as they arose from the statements on the other side. As to the assertion, that no prerogative could bar the inquisitorial functions of that House, he would admit it under certain qualifications. No part of the king's prerogative was more peculiarly necessary to the existence of government, the facility of its operation, and the security of that country for which such government is formed, than the power of nominating and dismissing his servants, without as-

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signing any cause; yet he would not say, that even this, in a case properly made out, might not come before the House as matter of inquiry. That this power of selection or rejection without assigning cause, was vested in the crown, and was an indisputable part of the constitution, he would not weary the House by demonstrating; and that the most perfect confidence of each other should subsist between the various members of the executive government, as the means which could alone enable them to conduct to advantage the public concerns, was equally obvious. If, then, motions of this kind were to be granted, and inquiries of the nature it sought were set on foot, this great and salutary provision of the constitution was destroyed at once. Before an experiment so hazardous could be attempted, a special case should be made out of positive danger, or public misconduct or delinquency; none of which appeared in the present instance. What were the grounds offered to them to justify the inquiry? First, justice to lord Fitzwilliam: secondly, the public interest. As to the first the whole of it moved on a groundless assumption, that the recall of lord Fitzwilliam implied a charge against him. But though the hon. mover insisted that the removal of the servants of the crown implied such a charge, the right hon. gentleman who followed him did not contend for the principle to that extent; and, indeed, if that were so, there was an end to the position already laid down, that the safety of the realm depended on the constitutional right of the crown to nominate and dismiss its servants at pleasure, and there would be a necessity to inquire into the cause of every dismissal. The right hon. gentleman could not but see how very prolific a source of inquiry would be open from the mention which had been even that night made of lord Hood, and he would be able to form a judgment of the expediency of such inquiries, when he recollected that the gallant lord Rodney, in the critical period of a ruinous war, and in the very moment of victory, was recalled by the minister of that day (Mr. Fox), without any cause assigned. An inquiry was called for, and the right hon. gentleman himself resisted it; and, what was more, while he professed that he had himself advised the change, moved for the thanks of the House to be given to the noble admiral. If, then, in such very extraordinary circumstances, an admiral, who was a solitary instance of successful valour in a most calamitous war, was recalled by the very minister who moved the thanks of the House to him, was it possible to say, that any stigma could attach to dismissal without inquiry; and, with the utmost respect for earl Fitzwilliam, he conceived that there was nothing in the case of a lord lieutenant more than in that of any other servant of the crown. Besides, he put it to the House, whether there might not be a cause for removal without a crime. Might there not exist a difference of opinion on some case of transcendent importance, though the parties differing retained the most cordial affection for, and good opinion of each other? Would the House suppose there was any thing more in recalling a lord lieutenant during a session of parliament, than in withdrawing a secretary of state pending a negociation for peace? Certainly not. Yet, did the House forget that the right hon. gentleman resigned his office, on a mere matter of difference in opinion, just at the end of the war, in a most important moment of negociation. Yet there was no inquiry on that occasion. And when a noble duke (Leeds), in the midst of a preparation for a war with Russia, resigned the situation he held, he did not feel himself bound to ask an inquiry; nor did any other gentleman, though extremely hostile to the war with Russia, make it the foundation of inquiry. Taking these facts as they were, he applied them to the case before the House, and said, that there was not that difference between lord Fitzwilliam and the noble duke or the right hon. gentleman, that could make him more an object of inquiry; nor was it any disparagement to apply the same principles to him, that applied to them. But it was stated, for the purpose of showing that his lordship's case was out of the ordinary course, that he had been encouraged by ministers on this side of the water, to hold out to the Catholics of Ireland the expectation of emancipation, which was afterwards opposed by them. This, if true, might arise from a difference of opinion, which did not necessarily imply a crime on either side; and if that difference did exist between them, how could they act in concert for the service of the empire?—If the House determined, with the hon. mover, that there must be guilt, because there was a dismissal, they must go

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farther, and say with him, that there was no just reason against inquiry in any case —that there was no case in which the disclosure of the councils of government could be dangerous, or else that it was right to sacrifice public duty to the delicacy of private reputation. More than this he would not say.—As to the point of justice to earl Fitzwilliam, why did the hon. gentleman confine it to him? Why, in the matter of justice, did he separate his lordship from the rest of his majesty's ministers? The plea of justice applied to them as well as him. On the grounds of public policy, he deprecated the discussion of the points on which the motion was grounded: they were points on which there was a wide difference of opinion in the country where they originated. As to the catholic question, he would not state all the delicate political points involved in it; but would suppose any one of them, and would put to the consideration of the House the propriety of the discussion of it; for to make the inquiry answer any purpose, they must enter into all the opinions on those points. He would suppose that examination to come on while the same question was pending in the parliament of Ireland. Would it be right to treat that independent parliament so?—to select the very moment of their deliberation to tread over the same ground, and examine the same question? If the question was the same, it was a wound to their independence; and if the inquiry only led to the same result, there was nothing gained to the public; but if, on the contrary, the House was to decide differently, the discussion and decision would be an impeachment of the independence of the parliament of Ireland. Fortunately, however, no such risk could now be incurred; for that great and delicate question had already been decided by the Irish parliament. Thus, what good could the agitation of the question do? He would suppose, for argument sake, that the British parliament decided in opposition to the Irish parliament. What would be the situation of Ministers, if, on every question depending in Ireland, the parliament of Great Britain pronounced judgment, and if any of them a contrary judgment, what would be their state to advise his majesty to reject, as king of England, that which, as king of Ireland, he might feel himself engaged to give his assent to? Did those who wished the House to adopt this mode, really mean to promote the harmonious connexion between that country and this. As to the arrangements of office in Ireland, how were they to be examined here? It might, he knew, be considered as a miserable squabble about place and power, and a contest of avarice and ambition; but it might also be considered in a different way. But who were to be the judges of so very important a question? Not the parliament of England; but that of Ireland, who had the means of examining, and the right to decide; who were judges in point of power, and witnesses in point of fact; whereas, here we had neither power to make a decision effectual, nor means to make an inquiry complete. As he thought the House should not entertain the motion at all, he would vote for the order of the day.

Lord *Milton* said, that the cause of the recall of earl Fitzwilliam was a dereliction by ministers here of all that had been agreed on before he set out for Ireland. It was perfectly understood, that every thing expected by the Roman Catholics was to be granted at such time as might appear most conducive to the general tranquillity and harmony of the two countries, of which the noble earl was to be the judge. With the complete persuasion that this was so, he entered upon the government of Ireland; and whether the difference that soon after appeared arose from his mistake, or from their change of opinion, they never sent him the least intimation of either, although they had full time to do so, till the application of the Catholics had received such countenance as could not be retracted with honour. That earl Fitzwilliam was highly popular in Ireland, he should be wanting in proper feeling not to declare; but he was bound also to declare, that his popularity was not so much owing to the opinion entertained of his personal character, greatly as that was respected, as to the hopes conceived by the people of Ireland, from the appointment of the duke of Portland to the high station he now filled in his majesty's service, and the sending for Mr. Ponsonby and Mr. Grattan soon after to this country. The Irish nation complained of being deceived, of being treated with duplicity. On the part of earl Fitzwilliam he claimed an inquiry, that he might either be exempted from suspicion, or censured if blameable. He would affirm, however, that earl Fitzwilliam was not to blame, but that ministers

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here were culpable. With respect to the removals from office in Ireland, either effected or intended, they were wished for by the people of Ireland, and must have been expected by ministers here. They knew of earl Fitzwilliam's intention, and ought to have stated their objections before he went over. Earl Fitzwilliam had no objection to carrying the motion to any extent ministers might wish.

Mr. *Orde* contended, that the insinuations which had been thrown out in the course of the debate respecting the supposed corruption which prevailed in the government of Ireland, were without foundation. Upon an inquiry, the reverse of that assertion would be found to be the case. He should give his decided vote against the motion.

Mr. *Douglas* said, he was ready to give his assent to the position, that it was the duty of parliament to watch over the conduct of the executive government, and to institute inquiries when they thought it necessary. But there was another position equally conformable to the theory of the constitution, and more reconcileable to its practice, which he should insist upon, namely, that his majesty had the undoubted prerogative of dismissing, and of appointing his own ministers, according to his pleasure. He did not mean to contend, that no possible case might arise, in which it might not be proper for parliament to interfere upon the dismission of a minister; but in such a case there ought to be the strongest grounds stated to show the necessity of such an interference. The question, and the only one which called for consideration, was, whether there were sufficient grounds laid before the House to induce them to go into this inquiry? If there did exist that degree of corrupt influence in Ireland which had been represented, it must have been known to the parliament of that country; and yet, when a motion was brought forward upon this ground in the Irish House, it was negatived by a large majority. This was a strong proof what were the opinions of persons residing upon the spot, and the most likely to know of that corruption, if it really existed. But it was not upon negative facts that he meant to defend the government of Ireland, particularly under lord Westmoreland; a variety of measures were adopted under the administration of that noble lord, which were calculated to gratify the feelings, and at the same time to support the interests of the people of Ireland. During the administration of that noble lord every effort had been made to procure the due and impartial administration of justice. The next grand point in governments constituted like that of great Britain and Ireland was, to preserve the independence of the legislative body. This essential point was secured by the introduction of a Place bill. The next grand object was, the establishment of a responsible Treasury Board. The last point was, the establishment of the militia, which had been effected with a degree of success that exceeded the most sanguine expectation. All these important regulations took place in the time of lord Westmoreland, and would, he hoped, convince the House that it was the object of that administration to reform abuses, and not to continue error. He should certainly give his vote against the motion.

Mr. *Grey* said, he had been curious to hear the answer of ministers to the charge made against them; but pre-determined to refuse inquiry, they had wisely declined attempting an answer. The question was not now about general principles, but *simply* whether sufficient ground was laid for inquiry into circumstances which no man could deny to be within the scope of parliamentary inquiry? He admitted that concurrence of sentiment and of opinion among those who were jointly to conduct the affairs of government was necessary; but, after what the House had heard, was the want of this all that marked the case before them? If lord Fitzwilliam had differed in opinion from his colleagues, upon measures, however important, he might have been removed upon that difference before such measures were brought forward as the measures of administration, without affording any ground for inquiry. But here measures of the utmost importance had been brought forward; the dereliction of them had been the cause of great discontent and danger; and to ascertain by whose fault this danger had been incurred was fit matter of inquiry. If lord Fitzwilliam had resigned in consequence of the dispute previous to his setting out for Ireland, there would have been no ground for inquiry; but what was the case? He went to Ireland, he brought forward measures much desired, and eagerly expected; and while these were going on with the unanimous aprobation of parliament and applause of the whole country, he was recalled, and

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his measures countermanded. To bring forward those measures, he had the authority of ministers here, or he had not. Lord Fitzwilliam said he had; the minister durst not contradict the assertion, but when challenged to the proof, he resorted to general principles and evasive cases. On the Catholic question in Ireland, or the removals from office, although individuals could not help forming opinions (and he had no difficulty in avowing that his own agreed with the opinion of the people of Ireland) the House by this motion was not called to say one word. All they had to consider was, did or did not the measures brought forward in Ireland excite the most sanguine hopes, and the dereliction of them the greatest discontent and agitation, which it was to be feared might end in disaffection to the British government? If that question must be answered in the affirmative, it was the duty of the House to inquire by whose fault those measures had been introduced, and by whose fault they were afterwards retracted? This was the ground, and the only ground of discussion. It was the natural course for those to court inquiry who were conscious of innocence. However the House might decide, impartial men would form their own judgment. Why, if the reform of a corrupt system of government was not intended, were Mr. Grattan and Mr. Ponsonby, men to whom with their connexions the people of Ireland had been accustomed to look up, sent for to England? Was it expected that such men could be prevailed upon to go back apostates from their former principles? For these reasons he should vote for the motion.

Mr. Serjeant *Adair* said, that though he should vote for the order of the day, he did not approve of the conduct of ministers towards lord Fitzwilliam. They could not be ignorant of the measures expected in Ireland after the accession of the duke of Portland to the cabinet, If, in pursuing new measures, lord Fitzwilliam was not to employ men in whom he could confide, he would have been placed in a situation very different from that of any other of his majesty's ministers. He admitted that there was great blame and strong ground for inquiry; but, before he voted for inquiry, he must ask himself *cui bono?* Would inquiry heal the discontents, or avert the dangers in Ireland? It would have a contrary tendency. Knowing as he did lord Fitwilliam's high sense of honour, he did not wonder at the solicitude with which he courted inquiry; but what had passed on the subject was sufficient to set at rest the most delicate feelings.

The question being put, "That the other order of the day be now read," the House divided:

Tellers.

Yeas	Mr. Powys Mr. John Smyth	188
Noes	Mr. Jekyll Mr. Whitbread, jun.	43

So it was resolved in the affirmative.

Copy of the Convention between Great Britain and the Emperor of Germany.] May 22. Mr. Secretary Dundas presented to the House, by his Majesty's command, "Copy of a Convention between his Majesty and the Emperor;" of which the following is a translation:

Convention between his Majesty and the Emperor, signed at Vienna, May 4th, 1795.

The Emperor and the King of Great Britain being equally convinced of the necessity of acting with vigour and energy against the common enemy, in order to procure to their respective dominions a safe and honourable peace, and to preserve Europe from the danger with which it is threatened, their Imperial and Britannic Majesties have thought proper to concert together upon the measures to be adopted for the next campaign, and agree, for this purpose, on such stipulations as may best condnce to the salutary object of their intentions already mentioned. With this view, their majesties have appointed their respective plenipotentiaries; that is to say his Imperial Majesty, his privy counsellor actual, and minister for foreign affairs, baron de Thugut, commander of the order of St. Stephen; and his Britannic Majesty, sir Morton Eden, one of his Majesty's most honourable privy council, knight of the Bath, envoy extraordinary and minister plenipotentiary at the court of Vienna: who, after having communicated to each other their respective full powers, have agreed upon the following Articles:

Art. 1. In order to assist the efforts which his Imperial Majesty is desirous of making, and to facilitate to him, the means of bringing forward the resources of his dominions, in the defence of the common cause, his Britannic Majesty engages to propose to his parliament to guaranty the regular payment of the half yearly dividends, on the sum of 4,600,000*l.* sterling, which is, or is to be raised, on account of his Imperial Majesty, on the terms, and in the manner specified in the two engagements or octrois, the tenor of which is

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annexed to this convention; his Imperial Majesty solemnly engaging to his Britannic Majesty that he will make due provision for the regular discharge of the payments which shall become due in consequence of the said loans, so as that those payments shall never fall as a burthen on the finances of Great Britain.

Art. 2. In return for the stipulation contained in the preceding article, and by the means of the said loan of 4,600,000*l.* sterling assured by the guaranty of Great Britain, his Imperial Majesty shall employ in his different armies, in the ensuing campaign, a number of troops which shall not only amount at least to 200,000 effective men, but which his Imperial Majesty will exert himself, as much as possible, to augment even above that number; which troops shall act against the common enemy, according to the dispositions agreed upon by a secret article, forming a part of this Convention.

Art. 3. The Emperor will see with pleasure the appointment of general officers, or other persons of confidence, to be present with his armies on the part of his Britannic Majesty, to whom all the necessary communication and information will readily be furnished, with respect to the state and strength of the armies, and the number of troops of which they may consist; and if, in order to facilitate and promote the correspondence and communication between the armies of the two courts his Imperial Majesty shall think proper to send an officer, or other person, on his part to the English armies, they shall in like manner, receive from the generals of his Britannic Majesty, all such marks of confidence as are most analogous to the intimate union so happily subsisting between the two courts.

Art. 4. It is expressly agreed, that the said, loan is to rest on the security of all the revenues of all the different hereditary dominions of his Imperial Majesty. All the necessary measures shall be taken on the part of his Imperial Majesty, in each of the said dominions respectively, to give full and legal effect and validity to the said loan, and to the engagements for the regular payment of the half-yearly dividends which shall fall due in consequence thereof, so that if at any time there should happen, from whatever cause, to be any delay in any of the payments, after the period of their falling due, the holders of the securities granted or to be granted, on the part of his Imperial Majesty, for the said loan may sue the receivers or treasurers of his Imperial Majesty's revenues, in any of the said dominions respectively, at the option of such holders, and may recover from them, or any of them, by due course of law, the full amount of such payments having so fallen due, in the same manner as any private individuals are admitted in the said dominions respectively to prosecute and recover their just rights against other private persons.

Art. 5. If it should ever happen that, contrary to all expectation, any part of the dividends due on the said loans should, in consequence of the failure of the payments stipulated to be made by his Imperial Majesty, be paid by the British government, it is agreed that such payments shall be made at the Bank of England, and only on the delivery of the tallies or certificates of the dividends so respectively paid; and every such tally or certificate so delivered up shall be valid and legal security, so as to enable the holder thereof to sue any of the receivers or treasurers of his Imperial Majesty's revenues, in any of his dominions aforesaid, at the option of such holder, and to recover from them, or any of them, the full amount of the sum expressed in such tally or certificate, with interest thereon at the rate of 5 per cent. per annum, to be reckoned from the date of the payment made by the British government. And whereas it is provided in the terms agreed upon for raising the said loans, that, as a collateral security for the said loans, there shall be deposited in the Bank of England mortgage actions of the Bank of Vienna, for a sum in the proportion of four to three of the loan to be so raised; It is further agreed, that the governor and company of the said bank shall, in case of any such payment as aforesaid being made by the British government, be authorised to withdraw from the said deposit such a quantity of the said actions, as shall be required to make up at least the proportion of four pounds for every three which shall be so paid by the British government, to be by the said government either used as a security or claim upon the Bank of Vienna, until repayment of the said sum, and of the interest due thereon, or negociated at the time to such extent as may be necessary in order to effect such reimbursement, according as to the said government may seem most eligible; and that the quantity of actions so withdrawn shall be deducted from or set off against any quantity, which according to the terms of the said loan might thereafter to be withdrawn from the said deposit, in proportion to the gradual redemption of the bonds, and the payment of the annuities as is specified in the conditions of the said loan.

Art. 6. And whereas certain advances have been made by the British government to his Imperial Majesty, on account and by way of loan; it is agreed that the same shall be repaid at London in the course of the present year, in exchange for the receipts given by the generals commanding in chief the Imperial army, and conformably to the sums contained in the said receipts. The said advances shall be reimbursed at latest, in two equal parts, in the months of November and December, so that the total shall be reimbursed before the expiration of the present year.

Art. 7. The present Convention shall be ratified on each side without any delay, and the exchange of the ratifications, expedited in due form shall be made within the space of one month at latest.

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In witness whereof we, the undersigned, being furnished with the full powers of their Imperial and British Majesties, have in their names signed the present act and have thereto set the seal of our arms.—Done at Vienna, the 4th day of May in the year 1795.

(L. S.) Le Baron de Thugut.
(L. S.) Morton Eden

Tenour of the first Octroi.

Francis, by the grace of God, Emperor of the Romans, &c.

To all those who shall see these presents, greeting: the expenses which we find it necessary to incur, for continuing our efforts against a destructive enemy, requiring that, without too far burthening our subjects, we should procure extraordinary resources; we have, by the advice of our most dear, our dear and trusty the treasurer-general, councillors and commissioners of our domains and finances, and upon the deliberation of his Royal Highness, our most dear and well-beloved brother, the archduke Charles Lewis of Austria, prince royal of Hungary and Bohemia, our lieutenant-governor and captain-general of the Low Countries, our chancellor of law having been heard, resolved to raise a loan in England, conformably to the clauses and conditions following:

1. A loan of three millions of pounds sterling, payable in ready money, shall be opened in the city of London, at the house of Walter Boyd, Paul Benfield, and James Drummond, merchants in London, and in the firm of Boyd, Benfield, and Co. bankers to his Majesty, appointed for that purpose.

2. A part of the said loan shall consist in bonds, to be signed by the said Messrs. Boyd, Benfield, and Co. or by one of the individuals belonging to the said firm; and those bonds may be for such sums as shall be judged proper.

3. A capital of 2,500,000*l.* sterling shall be raised by those bonds bearing interest at 3 per cent. per annum. The lenders shall not demand the repayment thereof, but we reserve to ourself the right of redeeming them at par, viz. at the rate of 100*l.* sterling, in money, for 100*l.* sterling of capital.

4. The said capital of 2,500,000*l.* sterling shall be valued to the lenders at 60*l.* sterling in money for 100*l.* sterling of capital.

5. The residue of the said loan shall consist in bonds, to be likewise signed by the said house of Boyd, Benfield, and Co. or by one of the individuals belonging thereto, containing an engagement to pay, for the term of 25 years, annuities at the rate of 10 per cent. of the capital lent; and the said annuities for 25 years shall be in full to the lenders, as well for the capital as for the interest on this part of the loan.

6. The said annuities shall amount in the whole to 150,000*l.* sterling, which, at the rate of 100*l.* capital for 10*l.* annuity, will produce the sum of 1,500,000*l.* sterling, forming the other part of the said loan.

7. The interest of the bonds, at 3 per cent. and the annuities for the term, shall be computed from the 1st of May 1794, and shall be paid half-yearly on the 1st of May and the 1st of November in each year, at the house of the said Messieurs Boyd, Benfield, and Co. or at the office which shall be appointed for that purpose by them.

8. Although the redemption of the capital stock of perpetual annuities at 3 per cent. is not demandable at any period, we engage, nevertheless, to remit to the said house of Boyd, Benfield, and Co. the sum of 5,000*l.* sterling, monthly, during the term of 25 years, for which the annuities shall continue; which sum of 5,000*l.* sterling, per month, during the term of 25 years, or 60,000*l.* sterling per annum, shall be applied by the said house of Boyd, Benfield, and Co. under the direction and control of five persons (who shall be appointed by us for that purpose) to the buying up, at the market price, of the bonds bearing interest at 3 per cent. and not only the said sum of 60,000*l.* sterling per annum, but also the interest accruing from all the bonds which shall have been successively bought up, shall be invariably applied to the purchase of other bonds, for the purpose of thus keeping up an annual sinking fund for the redemption of the said bonds, until their final extinction, to the amount of 60,000*l.* sterling per annum, augmented by the interest of all the bonds which shall have been successively bought up.

9. The bonds, at the head of which the present octroi shall be printed, shall be conceived in these terms, viz.

For those bearing an annual interest of three per cent.

"We, the undersigned, being thereto specially authorized by his imperial and royal apostolic Majesty, acknowledge to have received of the sum of pounds sterling, for which, in our said quality, we will pay to a yearly interest, in two payments of sterling, the first payment whereof will be due on the 1st of November 1794, and to continue till the redemption of the said capital, which shall be made conformably to the above octroi.

"Done at London, the "

And for the bonds for the annuities for a term,

"We, the undersigned, being thereto specially authorized by his imperial and royal apostolic Majesty, acknowledged to have received of the sum of pounds sterling, for which in our said quality, we will pay during twenty-five years, the sum of which shall be in full, both for the said capital and for the interest.

"Done at London, the "

10. In order to provide for the security both of the capital and the yearly interest of this loan, and to give upon this occasion the most

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satisfactory and proper securities, we engage and assign, by these presents, to those who shall furnish the said loan, the clear surplus, free from all charge, of all our royal revenues, to the amount of the said sum, and especially the revenues of our provinces of the Low Countries.

11. We further engage to remit, at our option, either to the House of the widow Nottine and son, at Brussels, or to that of Boyd, Benfield, and Co. at London, punctually every six months, before the first of May and the first of November in each year, the amount of 285,000*l.* sterling per annum, during the term of 25 years, so far as the said sum shall be necessary for discharging the payments, and redeeming the capitals, as stipulated by this octroi; so that the funds necessary for the payment of the interest and the annuities, and for the buying up the bonds, shall be realised in the hands of the said Messrs. Boyd, Benfield, and Co. in time, when each half-yearly payment becomes due, and for the purchasers in each month.

12. As a collateral security for the said loan, there shall be deposited in the hands of the said Messrs. Boyd, Benfield, and Co. to be deposited by them in the bank of England, actions in Mortgage of the bank of Vienna, to the amount in value of the sum of four millions sterling, bearing interest at the rate of 5 per cent. on the amount of the nominal capitals of this loan; and according to the gradual redemption of the bonds bearing interest at 3 per cent. and of the payment of the annuities for the term a quantity of actions of the bank of Vienna shall be withdrawn from the said deposit, in proportion to the payments and redemption which shall have been made.

13. Each of the lenders shall receive an equal portion of bonds and annuities, so that such of them who shall have subscribed 100*l.* sterling in money, will receive a bond for 83*l.* 6*s.* 8*d.* sterling, bearing interest at 3 per cent, and another bond for the payment of an annuity of 5*l.* sterling for 25 years.

We therefore command all whom it may concern to govern and conform themselves accordingly; we renounce, moreover, by these presents, as well for ourself, as for our heirs and successors, all exceptions and advantages whatsoever which may be claimed for diminishing or invalidating the obligations which we have contracted by these presents, and of which we assure and promise the exact and inviolable accomplishment; and we derogate, in this instance, from the ordinances and instructions now existing for the conduct and direction of our domains and finances, by which it is prohibited to alienate, sell, or charge them, either in the whole or in part; from which we have released, and do release, those of our council for our domains and finances, those of our chamber of accompts, and all others whom it may concern: we discharge them in consequence, on this occasion, from the oath which they have taken for the observance and execution of the said ordinances and instructions, which nevertheless in all other cases, points and articles, shall remain in their full force and vigour. And these presents shall be exhibited as well to those of our council of domains and finances, as of our chamber of accompts, in the Low Countries, to be there respectively verified, confirmed, and registered, according to their form and tenor, and afterwards transmitted to the house of Boyd, Benfield, and Co. at London for the security of the concerned.

For such is our good pleasure.

In witness whereof we have signed these presents, and caused our great seal to be set thereto—Given at our head quarters in the city of Tournay, the 18th of May, in the year of our Lord 1794, and of our reigns of the Roman empire the second, and of Hungary and Bohemia, the third year.

TRAUTT Vt.

(Signed) FRANCIS. By the Emperor and King,
P. du RIEUX.

Tenour of the second Octroi.

Francis, by the grace of God, Emperor of the Romans, &c. &c. &c. To all who shall see these presents, greeting:

The wants of our service requiring an augmentation of extraordinary resources, we have resolved to open a new loan of 1,600,000*l.* sterling, at the house of Walter Boyd, Paul Benfield, and James Drummond, merchants, at London, under the firm of Boyd, Benfield, and Co. upon the same engagements, conditions, and stipulations as that of three millions sterling, already opened by them, on our account, by the octroi of the 18th May 1794: which engagements, conditions, and stipulations shall be deemed to be herein inserted, at the same rate of proportion as exists between the capital sums of the two loans; provided that, for the security of the lenders, as well those who are or shall be concerned in the first loan of three millions sterling, as those who shall be parties in the present, we engage, assign, and destine thereto, by the present octroi, all our royal revenues, in our hereditary dominions, kingdoms, and provinces, without exception; engaging, moreover, in further augmentation of the security for the second loan, as we have done for the first, to remit, as a collateral security, to the said Messieurs Boyd, Benfield, and Co. actions in Mortgage of the bank of Vienna, bearing an interest of five per cent. for a sum proportioned to this second loan, upon the footing stipulated by the 12th article of the octroi, of the 18th May, 1794, above recited.

For such is our good pleasure.

In witness whereof we have signed these presents, and caused our great seal to be set thereto—Given at Vienna, the 4th of May, 1795, and of our reigns of the Roman empire, and of the hereditary dominions the third year.

TRAUTT Vt.

(Signed) FRANCIS. By the Emperor and king,
P. du RIEUX.

END OF VOL. XXXI.

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